

No. 25-6627

IN THE SUPREME COURT OF THE UNITED STATES

GERALD BLAISE II, PETITIONER

v.

UNITED STATES OF AMERICA

ON PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

MEMORANDUM FOR THE UNITED STATES

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Petitioner contends (Pet. 18-20) that he should be permitted to appeal his conviction notwithstanding a provision in his plea agreement waiving those rights subject to certain exceptions not applicable here, see Plea Agreement ¶ 6, on the theory that enforcement of the appeal waiver would amount to a “miscarriage of justice” because petitioner is actually innocent of an offense to which he pleaded guilty. Pet. 19. This Court granted certiorari in Hunter v. United States, No. 24-1063 (oral argument scheduled for Mar. 3, 2026), to consider, inter alia, the potential circumstances under which a defendant may appeal his sentence

notwithstanding an appeal waiver in his plea agreement. Because the Court's decision in Hunter could conceivably affect the proper disposition of the petition for a writ of certiorari, the petition in this case could be held pending the decision in Hunter and then disposed of as appropriate in light of that decision.*

Respectfully submitted.

D. JOHN SAUER
Solicitor General

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* The government waives any further response to the petition for a writ of certiorari unless this Court requests otherwise.