

No. 25-6850

IN THE SUPREME COURT OF THE UNITED STATES

DAVANTAE LONDON, PETITIONER

v.

UNITED STATES OF AMERICA

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

MEMORANDUM FOR THE UNITED STATES

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Petitioner contends (Pet. 5-9) that he should be permitted to appeal the district court's decision to run his federal sentence consecutively to his state-court sentence notwithstanding a provision in his plea agreement waiving the right to appeal his sentence, subject to certain exceptions not applicable here. See Pet. App. 4a-5a. Among other things, petitioner argues that enforcing the appeal waiver would result in a "miscarriage of justice." Pet. 9 (citation omitted). This Court granted a writ of certiorari in Hunter v. United States, No. 24-1063 (argued 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 may 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.