

No. 25-7103

IN THE SUPREME COURT OF THE UNITED STATES

LUCAS TAVARES, PETITIONER

v.

UNITED STATES OF AMERICA

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

MEMORANDUM FOR THE UNITED STATES

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Petitioner contends (Pet. i, 10-11) that he should be permitted to appeal his sentence notwithstanding a provision in his plea agreement waiving that right (subject to certain exceptions not applicable here), see Pet. App. 16a-17a, where the district court referenced his right to appeal several times at sentencing and the government did not object. This Court granted a writ of certiorari in Hunter v. United States, No. 24-1063 (argued Mar. 3, 2026), to consider, inter alia, whether an appeal waiver applies in such circumstances. 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 should 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

MAY 2026

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