

No. 25-7112

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IN THE SUPREME COURT OF THE UNITED STATES

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RASHON JERMAINE HARRIS, PETITIONER

v.

UNITED STATES OF AMERICA

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

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MEMORANDUM FOR THE UNITED STATES

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Petitioner contends (Pet. 5, 7-14) that he should be permitted to appeal his sentence notwithstanding a provision in his plea agreement waiving that right, subject to an exception not applicable here, see Plea Agreement 4-5. To the extent that petitioner is contending (Pet. 6) that he did not understand his appeal waiver at the time he agreed to it, the court of appeals found that the record in this case showed otherwise. See Pet. App. 2a, at 2. To the extent that petitioner may be contending that his appeal waiver should not be enforced on the theory that its enforcement would be manifestly unjust for other reasons (see

Pet. 7-13), this Court's decision in Hunter v. United States, No. 24-1063 (argued Mar. 3, 2026), could conceivably affect the proper disposition of the petition for a writ of certiorari. In Hunter, the Court granted review to consider, inter alia, the potential circumstances under which a defendant may appeal his sentence notwithstanding an appeal waiver in his plea agreement. It would therefore be appropriate to hold the petition in this case pending the decision in Hunter and then dispose of the petition as appropriate in light of that decision.\*

Respectfully submitted.

D. JOHN SAUER  
Solicitor General

MAY 2026

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