

No. 25-7299

IN THE SUPREME COURT OF THE UNITED STATES

ALI MIF BEY, PETITIONER

v.

UNITED STATES OF AMERICA

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

MEMORANDUM FOR THE UNITED STATES

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Petitioner contends (Pet. 7-16) that the court of appeals erred in determining the “loss” amount attributable to him under Sentencing Guidelines § 2B1.1 (2023). He acknowledges (Pet. 8, 10) that the court correctly determined that this Court’s clarification of Seminole Rock deference in Kisor v. Wilkie, 588 U.S. 558 (2019), applies to the deference afforded to Sentencing Commission commentary interpreting a sentencing guideline like Section 2B1.1. But he claims (Pet. 15-16) that the court erred in its application of Kisor here. Petitioner requests (Pet. 17) that the Court grant certiorari or, in the alternative, hold this petition pending its decision in Beaird v. United States, cert. granted,

No. 25-5343 (Apr. 20, 2026), and remand if the Court determines, as relevant here, that “no deference is appropriate to the Sentencing Commission’s commentary.”

This Court has granted a writ of certiorari in Beaird to consider whether Stinson v. United States, 508 U.S. 36 (1993), still correctly states the rule for the deference that courts must give the commentary to the Sentencing Guidelines. Because the Court’s decision in Beaird could conceivably affect the proper disposition of the petition for a writ of certiorari, the petition in this case should be held pending this Court’s decision in Beaird and then disposed of as appropriate in light of that decision.*

Respectfully submitted.

D. JOHN SAUER
Solicitor General

JULY 2026

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