

No. 25-7322

IN THE SUPREME COURT OF THE UNITED STATES

RUSLAN KIRILYUK, 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. 9-14) that the court of appeals erred in determining the amount of “loss” attributable to him under Sentencing Guidelines § 2B1.1 (2023). Specifically, he claims (Pet. 9-12, 17-18) that in making that determination, the court erred in its application of Kisor v. Wilkie, 588 U.S. 558 (2019), to the commentary to Section 2B1.1. Petitioner requests (Pet. 6-8) that the Court hold the petition pending its decision in Beaird v. United States, cert. granted, No. 25-5343 (Apr. 20, 2026), and remand in light of the Court’s decision in Beaird or, in the alternative, grant the petition in order to interpret Section 2B1.1.

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

AUGUST 2026

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