

No. 25-7462

IN THE SUPREME COURT OF THE UNITED STATES

LAMOR WHITEHEAD, PETITIONER

v.

UNITED STATES OF AMERICA

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

MEMORANDUM FOR THE UNITED STATES

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Petitioner made a false statement to FBI agents who were conducting a federal criminal investigation from Manhattan while the agents executed a search warrant in New Jersey. Pet. App. 7. Petitioner was later charged in the Southern District of New York with making a materially false statement to the investigators in a matter within the jurisdiction of the United States, in violation of 18 U.S.C. 1001. Petitioner claims (Pet. 10-15) that the court of appeals erred in upholding that venue and asserts a connection between that claim and the claim of improper venue under 18 U.S.C.

1519 in Abouammo v. United States, 146 S. Ct. 1571 (2026), which was pending before the Court at the time that the petition was filed.

In its since-issued decision in Abouammo, this Court determined that “[t]he only prohibited act in [18 U.S.C. 1519] is the falsification of a document,” that “the Government need show nothing else,” and that “the venue for trying a § 1519 offense [thus] must be where a document’s falsification happened.” 146 S. Ct. at 1577, 1579. The Court emphasized, however, that its decision was “‘discrete’ and narrow, as [its] venue decisions usually are, because it is based on ‘the nature of the [specific] crime charged.’” Id. at 1579 (citation omitted; second set of brackets in original).

Although petitioner’s case involves an offense different from that in Abouammo, any arguments about how it might affect petitioner’s venue claim would most appropriately be addressed to the court of appeals in the first instance. Cf. Pet. App. 7 n.3 (declining to address the government’s argument that petitioner had waived his venue challenge). Accordingly, it would be appropriate for the Court to grant certiorari, vacate the judgment of the court of appeals, and remand the case for further consideration in light of Abouammo.*

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

Respectfully submitted.

D. JOHN SAUER
Solicitor General

JULY 2026