

No. 25-7494

IN THE SUPREME COURT OF THE UNITED STATES

WILLIE DWAYNE MICKEY, 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

D. JOHN SAUER
Solicitor General
Counsel of Record
Department of Justice
Washington, D.C. 20530-0001
SupremeCtBriefs@usdoj.gov
(202) 514-2217

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MEMORANDUM FOR THE UNITED STATES

Petitioner contends (Pet. 6-7, 9-12)¹ that the court of appeals incorrectly relied on commentary to Sentencing Guidelines § 1B1.10(b)(1) to find him ineligible for a sentence reduction based on a retroactive amendment to the Sentencing Guidelines. This Court has granted a writ of certiorari in Beaird v. United States, No. 25-5343 (Apr. 20, 2026), 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

¹ Because the petition is not paginated, this memorandum cites to the page numbers of the electronic PDF version of the petition available on the Court's website.

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.²

Respectfully submitted.

D. JOHN SAUER
Solicitor General

JULY 2026

² The government waives any further response to the petition for a writ of certiorari unless this Court requests otherwise.