No. 26-320

In the Supreme Court of the United States

NIDAL AHMED WAKED HATUM, PETITIONER

v.

UNITED STATES OF AMERICA

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

MEMORANDUM FOR THE UNITED STATES

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Petitioner contends (Pet. 12-14) that the court of appeals, in considering whether a forfeiture ordered against him violates the Excessive Fines Clause, failed to focus on petitioner's specific wrongdoing and focused instead on the gravity of his money-laundering offense in the abstract. The petition for a writ of certiorari in *Jouppi* v. *Alaska*, cert. granted, No. 25-246 (oral argument scheduled for Dec. 1, 2026), similarly presents the question whether, "in determining whether a fine contravenes the Excessive Fines Clause, courts may consider the gravity of the underlying offense purely in the abstract, or should consider the gravity of the specific defendant's wrongdoing." Pet. at i, *Jouppi*, *supra* (No. 25-246). Because this Court's decision in *Jouppi* could potentially affect the proper disposition of this case, the petition for a writ of certiorari in this case should be

held pending the decision in *Jouppi* and then disposed of as appropriate in light of that decision.*

Respectfully submitted.

D. JOHN SAUER
Solicitor General

NOVEMBER 2026

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