

No. 06-1299

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**In the Supreme Court of the United States**

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LAURA BAXTER, PETITIONER

*v.*

UNITED STATES OF AMERICA

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

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**MEMORANDUM FOR THE UNITED STATES**

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Petitioner contends that the procedures applied in the determination of her sentence are not in accordance with *United States v. Booker*, 543 U.S. 220 (2005). On November 3, 2006, this Court granted certiorari in *Claiborne v. United States*, No. 06-5618 (argued Feb. 20, 2007), and *Rita v. United States*, No. 06-5754 (argued Feb. 20, 2007), to address various aspects of sentencing procedure under *Booker*. Because the proper disposition of the petition for a writ of certiorari may be affected by the Court's resolution of *Claiborne* and *Rita*, the petition should be held pending the decisions in those cases, and then disposed of as appropriate in light of those decisions.\*

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

2

Respectfully submitted.

PAUL D. CLEMENT  
*Solicitor General*

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