

No. 21-5039

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IN THE SUPREME COURT OF THE UNITED STATES

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GAVIN WAYNE WRIGHT, 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 TENTH CIRCUIT

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MEMORANDUM FOR THE UNITED STATES IN OPPOSITION

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Petitioner requests (Pet. 11) that this Court join his petition with the petition for a writ of certiorari filed by his co-defendant, which raises the question whether the District of Kansas's method of petit juror selection violated the Jury Selection and Service Act of 1968 (Jury Act), 28 U.S.C. 1861 et seq. Stein v. United States, No. 20-8458 (filed June 24, 2021). That request contravenes this Court's Rules, which provide that "[a] party not shown on the petition as joined therein at the time the petition is filed may not later join in that petition." Sup. Ct. R. 12.4.

Petitioner requests in the alternative (Pet. 11) that this Court hold his petition pending this Court's disposition of the petition for a writ of certiorari in Stein. The government does not object to that request. To the extent petitioner argues that the method of petit juror selection used at the time of his trial violated the Jury Act (Pet. 11), that contention lacks merit and does not warrant further review for the reasons explained in the government's brief in opposition in Stein, supra (No. 20-8458).

This Court should hold the petition for a writ of certiorari pending this Court's disposition of the petition for a writ of certiorari in Stein. If the Court denies the petition in Stein, in accord with the government's brief in opposition in that case, it should then deny the petition in this case.\*

Respectfully submitted.

BRIAN H. FLETCHER  
Acting Solicitor General

SEPTEMBER 2021

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\* The government waives any further response to the petition unless this Court requests otherwise.