

No. 21-884

In the Supreme Court of the United States

BLAKE FIELDS, PETITIONER

v.

UNITED STATES OF AMERICA

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

MEMORANDUM FOR THE UNITED STATES

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Petitioner contends (Pet. 1, 12-13) that this case presents the same issue that is currently pending before this Court in *Concepcion v. United States*, No. 20-1650 (argued Jan. 19, 2022)—namely, whether a district court considering a motion for a discretionary reduction of sentence under Section 404 of the First Step Act of 2018, Pub. L. No. 115-391, 132 Stat. 5222, may or must take account of intervening legal and factual developments, in addition to the changes made by Sections 2 and 3 of the Fair Sentencing Act of 2010, Pub. L. No. 111-220, 124 Stat. 2372, that have occurred since the offender’s original sentencing. Although petitioner does not identify any intervening factual developments that the district court purportedly failed to consider here, he does invoke the same non-retroactive amendment to the advisory Sentencing Guidelines as the petitioner in *Concepcion*. See Pet. 7-8; see also Pet. App.

2a-11a, 14a (district court and court of appeals relying on their respective opinions *Concepcion*). The petition for a writ of certiorari should therefore be held pending the decision in *Concepcion* and then disposed of as appropriate in light of that decision.*

Respectfully submitted.

ELIZABETH B. PRELOGAR
Solicitor General

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