

No. 25-81

In the Supreme Court of the United States

LOIS JOCHINTO ORTA, PETITIONER

v.

UNITED STATES OF AMERICA

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

MEMORANDUM FOR THE UNITED STATES

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Petitioner contends (Pet. 8-9, 12) that the “extraordinary and compelling reasons” necessary to permit reducing a final sentence under 18 U.S.C. 3582(c)(1)(A)(i) can include a statutory sentencing amendment to 21 U.S.C. 841(b)(1)(A) that Congress specified would be inapplicable to final sentences. The question petitioner presents is related to the issue currently before this Court in *Rutherford v. United States*, 145 S. Ct. 2776 (2025) (No. 24-820) (oral argument scheduled for Nov. 12, 2025), and *Carter v. United States*, 145 S. Ct. 2775 (2025) (No. 24-860) (oral argument scheduled for Nov. 12, 2025), which will address whether “extraordinary and compelling reasons” under Section 3582(c)(1)(A)(i) can include a statutory sentencing amendment to 18 U.S.C. 924(c) that Congress specified would be inapplicable to final sentences. Because the proper disposition of the petition for a writ of certiorari may be affected by

this Court's resolution of *Rutherford* and *Carter*, the petition should be held pending the decision in *Rutherford* and *Carter* and then disposed of as appropriate in light of that decision.*

Respectfully submitted.

D. JOHN SAUER
Solicitor General

OCTOBER 2025

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