

No. 06-1347

In the Supreme Court of the United States

JAMES M. DUFF, WILLIAM E. STRATTON,
AND TERRENCE DOLAN, PETITIONERS

v.

UNITED STATES OF AMERICA

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

MEMORANDUM FOR THE UNITED STATES

PAUL D. CLEMENT
*Solicitor General
Counsel of Record
Department of Justice
Washington, D.C. 20530-0001
(202) 514-2217*

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OPINIONS BELOW

Petitioner contends that, on review pursuant to *United States v. Booker*, 543 U.S. 220 (2005), a federal court of appeals should not treat a sentence within the advisory Sentencing Guidelines range as presumptively reasonable. On November 3, 2006, this Court granted certiorari in *Claiborne v. United States*, No. 06-5618, and *Rita v. United States*, No. 06-5754, to address various aspects of sentencing procedure under *Booker*, including, in *Rita*, whether it is consistent with *Booker* to accord a presumption of reasonableness to within-Guidelines sentences. Accordingly, the petition for a writ of certiorari should be held pending the Court's resolution

of *Claiborne* and *Rita*, and then disposed of as appropriate in light of the decisions in those cases.*

Respectfully submitted.

PAUL D. CLEMENT
Solicitor General

APRIL 2007

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