

No. 11-5323

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IN THE SUPREME COURT OF THE UNITED STATES

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CHARLES DAVIS, 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 this Court should grant review to resolve a conflict among the courts of appeals about whether the Fair Sentencing Act of 2010, Pub. L. No. 111-220, 124 Stat. 2372, applies in a sentencing proceeding that takes place on or after the statute's effective date if the offense occurred before that date. On October 7, 2011, the United States filed a brief in Hill v. United States, petition for cert. pending, No. 11-5721 (filed July 1, 2011), agreeing that the Court should grant certiorari in that case to resolve the disagreement in the circuits over the question petitioner raises. Accordingly, the petition for a writ of certiorari should be held pending this Court's disposition of the

petition in Hill, and then disposed of as appropriate.\*

DONALD B. VERRILLI, JR.  
Solicitor General

OCTOBER 2011

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