

No. 24-5006

IN THE SUPREME COURT OF THE UNITED STATES

JASON STEVEN KOKINDA, PETITIONER

v.

UNITED STATES OF AMERICA

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

MEMORANDUM FOR THE UNITED STATES

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Petitioner contends (Pet. 19-27) that the district court erred in instructing the jury on the elements of 18 U.S.C. 2250(a), which criminalizes a convicted sex-offender's knowing failure to register as a sex offender after traveling in interstate commerce. See Pet. 7-31. As relevant here, the Sex Offender Registration and Notification Act (SORNA), 34 U.S.C. 20901 et seq., requires any individual who has been "convicted of a sex offense," 34 U.S.C. 20911(1), to register "in each jurisdiction where [he] resides," "is an employee," and "is a student." 34 U.S.C. 20913(a). In this case, the district court relied in part on an administrative

regulation promulgated by the Attorney General when instructing the jury on the definition of "resides." See Pet. App. 6a-8a. The court of appeals then rejected petitioner's challenge to this instruction, partly by invoking deference to the Attorney General's regulation under Chevron U.S.A. Inc. v. Natural Resources Defense Council, Inc., 467 U.S. 837 (1984). See Pet. App. 16a-19a.

After the court of appeals rendered its decision, this Court overruled the Chevron doctrine. See Loper Bright Enters. v. Raimondo, 144 S. Ct. 2244 (2024). Because the Court's intervening decision in Loper Bright may inform the proper resolution of this case, the Court should grant the petition, vacate the judgment of the court of appeals, and remand for further consideration in light of Loper Bright.*

Respectfully submitted.

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AUGUST 2024

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