

No. 22-84

In the Supreme Court of the United States

SAAD SAKKAL, 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. 11-13) that the district court erred in its jury instructions on the mens rea requirement for finding a doctor guilty of unlawfully dispensing or distributing a controlled substance, in violation of 21 U.S.C. 841(a). In *Ruan v. United States*, 142 S. Ct. 2370 (2022), the Court held “that once a defendant meets the burden of producing evidence that his or her conduct was ‘authorized’” under Section 841(a), “the Government must prove beyond a reasonable doubt that the defendant knowingly or intentionally acted in an unauthorized manner.” *Id.* at 2376. Accordingly, the appropriate course is to grant the petition for a writ of certiorari, vacate the decision below, and remand the case for further consideration in light of *Ruan*.*

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

Respectfully submitted.

ELIZABETH B. PRELOGAR
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