

**IN THE
UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

UNITED STATES OF AMERICA,	:	
	:	
Appellee,	:	
	:	
v.	:	No. 22-3062
	:	
THOMAS ROBERTSON,	:	
	:	
Appellant.	:	

**APPELLANT'S UNOPPOSED MOTION TO HOLD APPEAL
IN ABEYANCE**

Undersigned counsel for Appellant, Thomas Robertson, moves this Court to hold the present appeal in abeyance in this Court pending the United States Supreme Court's decision in *United States v. Fischer*, No. 23-5572 (U.S.), and states:

Undersigned counsel has communicated with Assistant United States Attorney James Pearce, counsel for Appellee, who indicates that the government does not oppose the instant motion.

On November 22, 2023, Robertson filed a petition for rehearing and rehearing en banc, seeking reconsideration of the panel's decision in *United States v. Robertson*, 84 F. 4th 1045 (D.C. 2023) (2-1).

On December 12, 2023, in accord with this Court's order, the government filed its response to Robertson's rehearing petition.

On December 13, 2023, the Supreme Court granted certiorari review in *Fischer*.

Because a significant overlap exists between the issues presented by Robertson in the present appeal and the issues presented in *Fischer*, the present appeal should be held in abeyance in this Court pending a decision in *Fischer*. See, e.g., *United States v. Reynoso*, 38 F.4th 1083, 188-89 (D.C. Cir. 2022) (noting that the D.C. Circuit held the appeal in abeyance pending the Supreme Court's decision in *Greer*, and then asked the parties to brief the implications of *Greer* for the appeal).

WHEREFORE, Robertson respectfully requests that this Court hold the present appeal in abeyance pending the Supreme Court's decision in *Fischer*.

Respectfully submitted,

/s/

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Appointed by this Court

