

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA	:	
	:	Case No. 21-cr-555 (RCL)
v.	:	
	:	
PAMELA HEMPHILL,	:	
	:	
Defendant.	:	

UNITED STATES’ MOTION TO HOLD IN ABEYANCE

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, respectfully moves to hold in abeyance defendant Pamela Hemphill’s “Motion to Terminate Probation, ECF No. 48.”¹

Whether resentencing rather than early termination of probation is the proper remedy for split sentences invalidated by *United States v. Little*, 78 F.4th 453, 454 (D.C. Cir. 2023), is presently before the D.C. Circuit Court of Appeals in *United States v. Caplinger*, Case No. 22-3057 (Doc. No. 2030968, filed Dec. 11, 2023). There, the defendant has filed a “Renewed Motion To Vacate And Opposition To Government Motion For Remand For Resentencing.” The government’s response to that motion was filed on December 21, 2023, and is attached as Exhibit A. In ruling on that motion, the D.C. Circuit will determine whether the defendant is entitled to immediate relief from his probationary term or whether he should be resentenced, the same issues presented to this Court. Because any ruling in *Caplinger* will be dispositive, and to conserve

¹ Hemphill has titled her motion as a “Motion to Terminate Probation,” and in her proposed order, she asks the Court to grant the motion and order that her probation is “TERMINATED.” ECF No. 48-1. Therefore, we construe this as a motion under 18 U.S.C. § 3564(c), which gives a district court discretion to terminate probation under certain circumstances. We note that although the body of the motion cites to 28 U.S.C. § 2255, which permits the sentencing court to vacate, set aside or correct an illegal sentence, Hemphill has not asked this Court to vacate her sentence.

judicial resources, the government moves to hold ruling on the present motion in abeyance pending a decision in *Caplinger*.

Respectfully submitted,

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