

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA	:	
	:	
v.	:	
	:	Case No. 21-CR-667 (RCL)
MAHAILYA PRYER	:	
	:	
<i>Defendant.</i>	:	

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 Mahailya Pryer’s motion to terminate probation, ECF No. 77.¹ 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 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 opposition is due to the court on December 21, 2023. The D.C. Circuit will then determine whether the defendant is entitled to immediate relief from his probationary term or whether he should be resentenced—the same issue presented to this Court. Because that decision will be dispositive in this case, and because doing so will preserve judicial resources, we move to hold ruling on the present motion in abeyance pending a decision in *Caplinger*. Counsel for Pryer informed the government that Pryer opposes this motion.

¹ Because the government now moves for defendant’s motion to terminate probation to be held in abeyance, it no longer intends to file a surreply pertaining to the motion. ECF No. 83.

Respectfully submitted,

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