

10-5400 TAPIA V. UNITED STATES

DECISION BELOW: 376 Fed. Appx. 707

LOWER COURT CASE NUMBER: 09-50248

QUESTION PRESENTED:

May a district court give a defendant a longer prison sentence to promote rehabilitation, as the Eighth and Ninth Circuits have held, or is such a factor prohibited, as the Second, Third, Eleventh, and D.C. Circuits have held?

ORDER OF JANUARY 10, 2011

STEPHANOS BIBAS, ESQUIRE, OF PHILADELPHIA, PENNSYLVANIA, IS INVITED TO BRIEF AND ARGUE THIS CASE, AS *AMICUS CURIAE*, IN SUPPORT OF THE POSITION THAT 18 U.S.C. § 3582(A) ALLOWS DISTRICT COURTS TO CONSIDER REHABILITATIVE NEED IN SETTING THE LENGTH AND TERM OF IMPRISONMENT.

CERT. GRANTED 12/10/2010