

Per Curiam

SUPREME COURT OF THE UNITED STATES

No. 06–21

UNITED STATES, PETITIONER *v.* FISK_WILSON

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF
APPEALS FOR THE FEDERAL CIRCUIT

[April 5, 2019]

PER CURIAM.

After being charged with several criminal offenses by the Federal Government, respondent successfully convinced prosecutors to drop one of the charges. Respondent demanded that all other charges be dropped as a result, arguing that Federal Rule of Criminal Procedure 7(e) requires the full dismissal of a criminal information where at least one charge is dropped. The Court of Appeals rightly rejected this claim, but the United States argues that its reasoning went beyond the scope of the case and answered the question of if a criminal information could be amended to *add* an additional charge. The United States claims that the Court of Appeals’ decision on the so-called “charge-adding” question was erroneous. However, regardless of how the charge-adding question should be answered on the merits, the United States lacks any basis to appeal. The Court of Appeals’ answer to that question, if any was provided, is nothing more than nonbinding dicta in an opinion supporting judgment favorable to the United States. The charge-adding question was not ruled on by the Court of Appeals.

As such, the writ of certiorari is dismissed.

It is so ordered.