

Per Curiam

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SUPREME COURT OF THE UNITED STATES

No. 10–04

UNITED STATES, PETITIONER *v.* JETPACKSOUP

ON WRIT OF CERTIORARI TO THE UNITED STATES DISTRICT
COURT FOR THE DISTRICT OF COLUMBIA

[December 12, 2020]

PER CURIAM.

The Enhancing the Judiciary Act sets fourth specific requirements by which cases can be dismissed with prejudice. It requires that “[n]o case—in any criminal or civil action—shall be dismissed with prejudice unless the defendant has been put in jeopardy, which shall constitute (1) [e]mpaneling of a jury in a jury trial; or (2) [c]alling of the first witness or the presentation of the prosecution’s case, whichever is first.” Pub L. 67-4, § 201(a). Neither requirement had been met in this matter and yet the District Court dismissed the information with prejudice. Given that these requirements were not met, reversal is required. See *Kirkman v. Bank of America*, 6 U.S. 20 (2018). Having resolved the matter on the basis of the Enhancing the Judiciary Act, we see no reason to resolve the government’s other arguments.

Therefore, the judgment of the District Court is vacated, and the matter is remanded for further proceedings consistent with this opinion.

It is so ordered.