

No. 17-5745

IN THE SUPREME COURT OF THE UNITED STATES

JOHN TERRY PHELPS, PETITIONER

v.

UNITED STATES OF AMERICA

ON PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

MEMORANDUM FOR THE UNITED STATES

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Petitioner contends that his prior convictions for armed robbery, in violation of Fla. Stat. § 812.13 (1989), were not convictions for “violent felon[ies]” under the elements clause of the Armed Career Criminal Act of 1984, 18 U.S.C. 924(e)(2)(B)(i). The Court is currently considering a related question in Stokeling v. United States, cert. granted, No. 17-5554 (Apr. 2, 2018). The petition for a writ of certiorari should therefore be held pending

the Court's decision in Stokeling and then disposed of as appropriate in light of that decision.*

Respectfully submitted.

NOEL J. FRANCISCO
Solicitor General

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* The government waives any further response to the petition for a writ of certiorari unless this Court requests otherwise.