

No. 18-6177

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IN THE SUPREME COURT OF THE UNITED STATES

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TONY LIPSCOMB, PETITIONER

v.

UNITED STATES OF AMERICA

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

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MEMORANDUM FOR THE UNITED STATES

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Petitioner contends (Pet. 10-17) that the court of appeals erred in determining that his prior conviction for armed robbery, in violation of Illinois law, was a conviction for a "violent felony" under the elements clause of the Armed Career Criminal Act of 1984 (ACCA), 18 U.S.C. 924(e)(2)(B)(i). Petitioner appears to argue that Illinois robbery may be committed by using force sufficient to overcome resistance, see, e.g., Pet. 10-11, 14-15, and that such an offense therefore does not "ha[ve] as an element the use, attempted use, or threatened use of physical force against the person of another," 18 U.S.C. 924(e)(2)(B)(i). The question petitioner presents is related to the issue currently before this

Court in Stokeling v. United States, No. 17-5554 (argued Oct. 9, 2018), which will address whether a defendant's prior conviction for robbery under Florida law satisfies the ACCA's elements clause. Because the proper disposition of the petition for a writ of certiorari may be affected by this Court's resolution of Stokeling, the petition should be held pending the decision in Stokeling and then disposed of as appropriate in light of that decision.\*

Respectfully submitted.

NOEL J. FRANCISCO  
Solicitor General

DECEMBER 2018

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