

No. 18-6985

IN THE SUPREME COURT OF THE UNITED STATES

DWAYNE BARRETT, AKA SEALED DEFENDANT 3,
AKA TALL MAN, PETITIONER

v.

UNITED STATES OF AMERICA

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

MEMORANDUM FOR THE UNITED STATES

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Petitioner contends (Pet. 8-21) that the definition of a "crime of violence" in 18 U.S.C. 924(c)(3)(B) is unconstitutionally vague and that his conviction under 18 U.S.C. 924(c) for using a firearm during and in relation to a conspiracy to commit Hobbs Act robbery should therefore be vacated. This Court has granted review in United States v. Davis, No. 18-431 (Jan. 4, 2019), to address the same issue. The petition for a writ of certiorari should

therefore be held pending the decision in Davis 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.