

No. 18-7166

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IN THE SUPREME COURT OF THE UNITED STATES

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GERARD MANN, 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 ELEVENTH CIRCUIT

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MEMORANDUM FOR THE UNITED STATES

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Petitioner contends (Pet. 5-6) 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

FEBRUARY 2019

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