

No. 18-9234

IN THE SUPREME COURT OF THE UNITED STATES

RUDY MENDOZA, 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. 7-8) 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) (2012) for using a firearm during and in relation to a crime of violence -- specifically, conspiracy to commit Hobbs Act robbery, in violation of 18 U.S.C. 1951(a) -- should therefore be vacated. In United States v. Davis, No. 18-431 (June 24, 2019), this Court held -- in the context of Section 924(c) convictions likewise premised on conspiracy to commit Hobbs Act robbery -- that Section 924(c)(3)(B) is unconstitutionally vague. Slip op. 24. The petition for a writ of certiorari should accordingly be granted, the court of

appeals' judgment should be vacated, and the case should be remanded for further consideration in light of Davis.*

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.