

No. 18-9266

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IN THE SUPREME COURT OF THE UNITED STATES

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DANIEL RODRIGUEZ, 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 THIRD CIRCUIT

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MEMORANDUM FOR THE UNITED STATES

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Petitioners contend (Pet. 8-11) that the definition of "crime of violence" in 18 U.S.C. 924(c)(3)(B) is unconstitutionally vague and that their convictions under 18 U.S.C. 924(o) for conspiring to use 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, 139 S. Ct. 2319 (2019), this Court held -- in the context of convictions under 18 U.S.C. 924(c) that were premised on conspiracy to commit Hobbs Act robbery -- that Section 924(c)(3)(B) is unconstitutionally vague. 139 S. Ct. at 2336. 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

JULY 2019

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