

No. 19-5804

IN THE SUPREME COURT OF THE UNITED STATES

JESSE LEWIS, PETITIONER

v.

UNITED STATES OF AMERICA

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

MEMORANDUM FOR THE UNITED STATES

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Petitioner contends (Pet. 4-5) that the definition of "crime of violence" in 18 U.S.C. 924(c) (3) (B) is unconstitutionally vague. He further contends (Pet. 4-5) that his conviction under 18 U.S.C. 924(c) for using a firearm during and in relation to sex trafficking, in violation of 18 U.S.C. 1591(a) (1) and (b) (1), should therefore be vacated. In United States v. Davis, 139 S. Ct. 2319 (2019), this Court held that Section 924(c) (3) (B), on which the decision below exclusively relied, is unconstitutionally vague. Davis, 139 S. Ct. at 2334, 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

NOVEMBER 2019

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