

No. 20-8082

IN THE SUPREME COURT OF THE UNITED STATES

ERIC DESHAN ADAMS, PETITIONER

v.

UNITED STATES OF AMERICA

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

MEMORANDUM FOR THE UNITED STATES IN OPPOSITION

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Petitioner contends (Pet. 5-9) that the court of appeals erred in determining that his three prior convictions for burglary of a habitation, in violation of Texas Penal Code Ann. § 30.02(a) (West 2009 & 2010), constitute convictions for "burglary" under the Armed Career Criminal Act of 1984 (ACCA), 18 U.S.C. 924(e) (2) (B) (ii). For the reasons explained in the government's brief in opposition to the petition for a writ of certiorari in Herrold v. United States, 141 S. Ct. 273 (2020) (No. 19-7731), that contention lacks merit and does not warrant this Court's review. See Gov't Br. in

Opp. at 11-16, Herrold, supra (No. 19-7731).¹ This Court has recently and repeatedly denied petitions for writs of certiorari raising the same question regarding Texas Penal Code Ann. § 30.02(a). See Smith v. United States, No. 20-6773 (Apr. 19, 2021); Lister v. United States, No. 20-7242 (Mar. 22, 2021); Webb v. United States, 141 S. Ct. 1448 (2021) (No. 20-6979); Wallace v. United States, 141 S. Ct. 910 (2020) (No. 20-5588); Herrold v. United States, supra (No. 19-7731). The Court has likewise recently and repeatedly denied petitions for writs of certiorari raising the identical question with respect to Tennessee's burglary statute. See Greer v. United States, 140 S. Ct. 1234 (2020) (No. 19-7324); Ferguson v. United States, 139 S. Ct. 2712 (2019) (No. 17-7496); see also Gov't Br. in Opp. at 6-13, Gann v. United States, No. 20-7701 (filed Apr. 5, 2020). The same result is warranted here.²

Respectfully submitted.

ELIZABETH B. PRELOGAR
Acting Solicitor General

JULY 2021

¹ We have served petitioner with a copy of the government's brief in opposition in Herrold, which is also available on this Court's online docket.

² The government waives any further response to the petition for a writ of certiorari unless this Court requests otherwise.