

IN THE SUPREME COURT OF THE UNITED STATES

JOSEPH FENELON COOPER, 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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No. 21-6278

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MEMORANDUM FOR THE UNITED STATES

Petitioner contends (Pet. 10-17) that attempted bank robbery, in violation of 18 U.S.C. 2113(a), is not a "crime of violence" under 18 U.S.C. 924(c)(3)(A). On July 2, 2021, this Court granted the petition for a writ of certiorari in United States v. Taylor, No. 20-1459 (argued Dec. 7, 2021), to consider whether attempted Hobbs Act robbery, in violation of 18 U.S.C. 1951(a), is a "crime of violence" under 18 U.S.C. 924(c)(3)(A). In the decision under review in Taylor, supra, the court of appeals posited that attempted bank robbery's classification as a "crime of violence" might follow the classification of attempted Hobbs Act robbery. See United States v. Taylor, 979 F.3d 203, 208 (4th Cir. 2020).

This Court's decision in Taylor therefore could potentially affect the proper disposition of the petition for a writ of certiorari, and the petition in this case should be held pending the decision in Taylor and then disposed of as appropriate in light of that decision.*

Respectfully submitted.

ELIZABETH B. PRELOGAR
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.