

No. 21-6490

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IN THE SUPREME COURT OF THE UNITED STATES

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EARL MCCOY, 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 SECOND CIRCUIT

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MEMORANDUM FOR THE UNITED STATES

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Petitioner contends (Pet. 14-15) that attempted Hobbs Act robbery, in violation of 18 U.S.C. 1951(a), is not a "crime of violence" under 18 U.S.C. 924(c) (3). 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 that issue. Because the Court's decision in Taylor may affect the proper disposition of the petition for a writ of certiorari, 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

FEBRUARY 2022

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