

No. 22-5235

IN THE SUPREME COURT OF THE UNITED STATES

LOUIS MCINTOSH, PETITIONER

v.

UNITED STATES OF AMERICA

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

MEMORANDUM FOR THE UNITED STATES

ELIZABETH B. PRELOGAR
Solicitor General
Counsel of Record
Department of Justice
Washington, D.C. 20530-0001
SupremeCtBriefs@usdoj.gov
(202) 514-2217

IN THE SUPREME COURT OF THE UNITED STATES

No. 22-5235

LOUIS MCINTOSH, PETITIONER

v.

UNITED STATES OF AMERICA

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

MEMORANDUM FOR THE UNITED STATES

Petitioner contends (Pet. 14), inter alia, that one of his convictions for carrying and using a firearm during and in relation to a crime of violence, in violation of 18 U.S.C. 924(c), is infirm in light of United States v. Taylor, 142 S. Ct. 2015 (2022). In Taylor, this Court held that attempted Hobbs Act robbery, in violation of 18 U.S.C. 1951(a), does not qualify as a crime of violence under Section 924(c) (3) (A) because it does not "require the government to prove the use, attempted use, or threatened use of force." Taylor, 142 S. Ct. at 2025. One of petitioner's convictions under 18 U.S.C. 924(c) is predicated on attempted Hobbs

Act robbery. See Pet. App. 12(a). Accordingly, the appropriate course is to grant the petition for a writ of certiorari, vacate the decision below, and remand the case for further consideration in light of Taylor.*

Respectfully submitted.

ELIZABETH B. PRELOGAR
Solicitor General

SEPTEMBER 2022

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