

No. 24-5316

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IN THE SUPREME COURT OF THE UNITED STATES

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

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Petitioner contends (Pet. 5-9) that New York attempted second-degree murder, in violation of New York Public Law § 125.25(1), does not qualify as a "crime of violence" under 18 U.S.C. 924(c) (3) on the theory that the crime can be committed by an act of omission and therefore does not "ha[ve] as an element the use, attempted use, or threatened use of physical force against the person or property of another." This Court granted certiorari in Delligatti v. United States, No. 23-825 (June 3, 2024), to consider whether that interpretation of Section 924(c) (3) is correct. Accordingly, the petition for a writ of certiorari should

be held pending the Court's resolution of Delligatti, and then disposed of as appropriate in light of the decision in that case.\*

Respectfully submitted.

ELIZABETH B. PRELOGAR  
Solicitor General

OCTOBER 2024

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