

13-1034 MELLOULI V. HOLDER

DECISION BELOW: 719 F.3d 995

LOWER COURT CASE NUMBER: 12-3093

QUESTION PRESENTED:

Under 8 U.S.C. § 1227(a)(2)(B)(i), a noncitizen may be removed if he has been convicted of violating "any law or regulation of a State, the United States, or a foreign country relating to a controlled substance (as defined in section 802 of Title 21)" Regarding removal based on a state conviction for possessing drug paraphernalia, the circuits are split on whether the paraphernalia must be related to a substance listed in Section 802 of Title 21, the Controlled Substances Act.

To trigger deportability under 8 U.S.C. § 1227(a)(2)(B)(i), must the government prove the connection between a drug paraphernalia conviction and a substance listed in section 802 of the Controlled Substances Act?

CERT. GRANTED 6/30/2014