

No. 17-6704

IN THE SUPREME COURT OF THE UNITED STATES

ALBERT DEWAYNE BANKS, PETITIONER

v.

UNITED STATES OF AMERICA

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

MEMORANDUM FOR THE UNITED STATES

NOEL J. FRANCISCO
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. 17-6704

ALBERT DEWAYNE BANKS, PETITIONER

v.

UNITED STATES OF AMERICA

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

MEMORANDUM FOR THE UNITED STATES

Petitioner contends (Pet. 5-23) that the government violated his Fourth Amendment rights by acquiring, pursuant to a court order issued under 18 U.S.C. 2703(d), historical cell-site records from a service provider for a cell-phone number that petitioner was known to use. The same issue is currently pending before this Court in Carpenter v. United States, No. 16-402 (cert. granted Jun. 5, 2017). Accordingly, the petition for a writ of certiorari should be held pending the Court's decision in Carpenter and then

disposed of as appropriate in light of the decision in that case.*

Respectfully submitted.

NOEL J. FRANCISCO
Solicitor General
Counsel of Record

NOVEMBER 2017

* The government waives any further response to the petition unless this Court requests otherwise.