

No. 17-8160

IN THE SUPREME COURT OF THE UNITED STATES

MICHAEL J. KHOURY, PETITIONER

v.

UNITED STATES OF AMERICA

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

MEMORANDUM FOR THE UNITED STATES

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Petitioner contends (Pet. 7-11) that the court of appeals erroneously held that his prior convictions for residential burglary in Illinois qualify as generic “burglary” and, thus, “violent felon[ies]” under the Armed Career Criminal Act of 1984 (ACCA), 18 U.S.C. 924(e)(2)(B)(ii). Specifically, petitioner argues (Pet. 9) that because the Illinois statute’s locational element includes “trailers,” it is not “within the scope of generic burglary.” The Court is currently considering a similar question in United States v. Stitt, cert. granted, No. 17-765 (Apr. 23, 2018), and United States v. Sims, cert. granted, No. 17-766 (Apr.

23, 2018), which present the question whether burglary of a nonpermanent or mobile structure adapted or used for overnight accommodation qualifies as "burglary" under the ACCA. The petition for a writ of certiorari should therefore be held pending the Court's decision in Stitt and Sims, and then disposed of as appropriate in light of that decision.*

Respectfully submitted.

NOEL J. FRANCISCO
Solicitor General

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