

IN THE SUPREME COURT OF THE UNITED STATES

ANSELMO SOLANO-CRUZ, PETITIONER

v.

UNITED STATES OF AMERICA

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

MEMORANDUM FOR THE UNITED STATES

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No. 16-6288

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Petitioner contends (Pet. 5) that 18 U.S.C. 16(b), as incorporated into the definition of the term "aggravated felony" in 8 U.S.C. 1326(b)(2), is unconstitutionally vague. The question petitioner presents is related to the issue currently before this Court in Lynch v. Dimaya, cert. granted, No. 15-1498 (Sept. 29, 2016). That case concerns whether Section 16(b), as incorporated into the Immigration and Nationality Act's provisions governing an alien's removal from the United States, is unconstitutionally vague. Because the proper disposition of the petition for a writ of certiorari may be affected by the

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

Respectfully submitted.

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