

IN THE SUPREME COURT OF THE UNITED STATES

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DANIEL GARCIA BELLO, ET AL., PETITIONERS

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. 16-7667

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UNITED STATES OF AMERICA

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MEMORANDUM FOR THE UNITED STATES

Petitioners contend (Pet. 9-23) that 18 U.S.C. 16(b), as incorporated into the definition of the term "aggravated felony" contained in 8 U.S.C. 1326(b)(2) and Section 2L1.2(b)(1)(C) of the United States Sentencing Guidelines, is unconstitutionally vague. The question petitioners present is related to the issue currently before this Court in Sessions 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.