

No. 18-1454

---

**In the Supreme Court of the United States**

---

CARLOS ALBERTO LONDONO-GONZALEZ, PETITIONER

*v.*

WILLIAM P. BARR, ATTORNEY GENERAL

---

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

---

**MEMORANDUM FOR THE RESPONDENT**

---

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. 18-1454

CARLOS ALBERTO LONDONO-GONZALEZ, PETITIONER

*v.*

WILLIAM P. BARR, ATTORNEY GENERAL

---

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

---

## MEMORANDUM FOR THE RESPONDENT

---

Petitioner was ordered removed from the United States in 2000 and moved to reopen his removal proceeding in 2016. Pet. App. 4a. An immigration judge denied his motion, the Board of Immigration Appeals affirmed, and the court of appeals denied a petition for review in part and dismissed it in part for lack of jurisdiction. *Id.* at 4a-6a. As relevant here, the court concluded that whether petitioner acted with the requisite diligence to warrant equitable tolling of the statutory deadline for filing a motion to reopen, see 8 U.S.C. 1229a(c)(7)(C)(i), is not a question of law reviewable by a court of appeals under 8 U.S.C. 1252(a)(2)(C)-(D). See Pet. App. 4a-6a.

On June 24, 2019, this Court granted two petitions for a writ of certiorari to consider the same issue. See *Guerrero-Lasprilla v. Barr*, No. 18-776; *Ovalles v. Barr*, No. 18-1015; see also Pet. 12 (observing that the

petitions in those cases present the same question). Because this Court's decision in those cases may affect the proper disposition of the petition for a writ of certiorari in this case, the petition in this case should be held pending the decisions in *Guerrero-Lasprilla* and *Ovalles, supra*, and then disposed of as appropriate in light of those decisions.\*

Respectfully submitted.

NOEL J. FRANCISCO  
*Solicitor General*

JULY 2019

---

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