

No. 17-820

In the Supreme Court of the United States

SANTIAGO ALEJANDRO DIAZ-ESPARZA, PETITIONER

v.

JEFFERSON B. SESSIONS III, ATTORNEY GENERAL

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

MEMORANDUM FOR THE RESPONDENT

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Petitioner contends (Pet. i, 3-6) that the definition of a “crime of violence” in 18 U.S.C. 16(b), as incorporated into the provisions of the Immigration and Nationality Act, 8 U.S.C. 1101 *et seq.*, governing an alien’s removal from the United States, is unconstitutionally vague. The question petitioner presents is also currently pending before this Court in *Sessions v. Dimaya*, No. 15-1498 (reargued Oct. 2, 2017). 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 *Dimaya* and then disposed of as appropriate in light of that decision.*

Respectfully submitted.

NOEL J. FRANCISCO
Solicitor General

FEBRUARY 2018

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