

No. 11-1414

In the Supreme Court of the United States

JULIO DIAZ-PALMERIN, 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 that this Court's decision in *Padilla v. Kentucky*, 130 S. Ct. 1473 (2010), applies retroactively to convictions that became final before *Padilla* was decided. In *Padilla*, this Court held that the Sixth Amendment imposes on attorneys representing noncitizen criminal defendants a constitutional duty to advise the defendants about the potential removal consequences of pleading guilty. The court of appeals rejected petitioner's claim based on circuit precedent. Pet. App. A9 (citing *Chaidez v. United States*, 655 F.3d 684 (7th Cir. 2011)). On April 30, 2012, this Court granted certiorari in *Chaidez v. United States*, No. 11-820, to resolve the question petitioner raises. Accordingly, the petition for a writ of certiorari should be held pending the Court's resolution of *Chaidez*, and

then disposed of as appropriate in light of the decision in that case.*

Respectfully submitted.

DONALD B. VERRILLI, JR.
Solicitor General

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