

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUN 14 2018

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

ORLANDO LAY-GONZALEZ,

No. 14-70727

Petitioner,

Agency No. A037-175-011

v.

JEFFERSON B. SESSIONS III, Attorney
General,

MEMORANDUM*

Respondent.

Appeal from the Board of Immigration Appeals

Submitted June 12, 2018**
San Francisco, California

Before: TASHIMA and M. SMITH, Circuit Judges, and KORMAN,*** District
Judge.

Petitioner Orlando Lay-Gonzalez petitions for review of a decision of the
Board of Immigration Appeals (BIA) determining that Lay-Gonzalez's conviction

* This disposition is not appropriate for publication and is not precedent
except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without
oral argument. *See* Fed. R. App. P. 34(a)(2).

*** The Honorable Edward R. Korman, United States District Judge for the
Eastern District of New York, sitting by designation.

for coercion under Nevada Revised Statute § 207.190(2)(a) was categorically a crime of violence under 18 U.S.C. § 16(b).

The Supreme Court, however, has recently held that § 16(b) is unconstitutionally vague. *See Sessions v. Dimaya*, 138 S. Ct. 1204, 1223 (2018). In addition, we recently held that coercion under Nevada Revised Statute § 207.190 is not a crime of violence under the Sentencing Guidelines. *United States v. Edling*, No. 16-10457, slip op. at 11 (9th Cir. Jun. 8, 2018). In light of *Dimaya* and the BIA's reliance on § 16(b), and *Edling*, Lay-Gonzalez's petition is **GRANTED** and we **REMAND** to the BIA for further proceedings.