

clause); see also United States v. Davis, 139 S. Ct. 2319 (2019) (holding that § 924(c)'s residual clause is unconstitutionally vague). The court further agrees that Mr. Kamahale's second § 924(c) conviction, based on his conviction for attempted Hobbs Act robbery in violation of 18 U.S.C. § 1951(a), must be vacated under the Supreme Court's ruling in Taylor, 142 S. Ct. 2015.

Therefore, based on the rulings from the Supreme Court and the Tenth Circuit, the stipulation of the parties, and for good cause appearing, the court grants Mr. Kamahale's Second Amended Motion to Vacate, Set Aside, or Correct Sentence under 28 U.S.C. § 2255 (ECF No. 93). The court will file an amended judgment vacating Mr. Kamahale's two § 924(c) convictions based on his convictions under VICAR and for attempted Hobbs Act robbery.¹ The court resentences Mr. Kamahale to time served with no period of supervised release to follow.

SO ORDERED this 16th day of August, 2023.

BY THE COURT:



TENA CAMPBELL
United States District Judge

¹ Counts 20 and 29 (for trial purposes renumbered to counts 9 and 18) of the Second Superseding Indictment.