

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 14-14595
Non-Argument Calendar

D.C. Docket No. 2:14-cr-00006-LGW-JEG-1

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

MELVIN EVINS NANCE,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Georgia

(May 26, 2015)

Before TJOFLAT, JORDAN and JILL PRYOR, Circuit Judges.

PER CURIAM:

Melvin Evins Nance plead guilty to escape from custody, in violation of 18 U.S.C. § 751, and the District Court sentenced him to a prison term of 31 months, well within the Guidelines sentence range of 27 to 33 months. He appeals his sentence, arguing that the District Court committed procedural error: in determining the Guidelines sentence range, the court erred in increasing the sentence range on the ground that he used force against another person. He further argues that the altercation upon which the court relied was unrelated to the charged escape and therefore did not consist of relevant conduct.

We need not reach the merits of Nance's appeal. The District Court stated at sentencing that it would have imposed the same sentence based on the 18 U.S.C. § 3553(a) sentencing factors, regardless of the Guidelines sentence range. In light of this statement, any procedural error the court may have committed in calculating the sentence range was harmless. *United States v. Kapordelis*, 569 F.3d 1291, 1315 (11th Cir. 2009).

AFFIRMED.