

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 16-10231
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

April 25, 2017

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

SHAUN WESLEY SKINNER,

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:15-CR-30-1

Before HIGGINBOTHAM, PRADO, and HAYNES, Circuit Judges.

PER CURIAM:*

Shaun Wesley Skinner appeals the 151-month, within-guidelines prison sentence he received after he pleaded guilty to bank robbery and attempted bank robbery. He contends that he should not have been sentenced as a career offender, maintaining that his two prior robbery convictions were related and thus should not have counted separately for purposes of the career offender Guideline. However, Skinner committed the second robbery after he was

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

No. 16-10231

arrested for the first. Thus, he had two prior felony convictions for crimes of violence whose sentences were counted separately under U.S.S.G. § 4A1.1(a), (b), or (c). *See* U.S.S.G. §§ 4A1.2(a)(2), (k), 4B1.1(a), 4B1.2(c). That he was sentenced for both robberies on the same day is irrelevant. *See United States v. Akins*, 746 F.3d 590, 611 (5th Cir. 2014). Moreover, contrary to Skinner's assertion, § 4A1.1(e) has no bearing on the analysis because his robbery sentences were not treated as a single sentence.

The district court did not err in sentencing Skinner as a career offender. The judgment is AFFIRMED.