

United States Court of Appeals  
For the Eighth Circuit

---

No. 16-2150

---

Charles J. Weber

*Petitioner - Appellant*

v.

United States of America

*Respondent - Appellee*

---

Appeal from United States District Court  
for the Western District of Missouri - Kansas City

---

Submitted: October 12, 2017

Filed: October 19, 2017

[Unpublished]

---

Before COLLOTON, BOWMAN, and KELLY, Circuit Judges.

---

PER CURIAM.

Federal prisoner Charles Weber, who pleaded guilty to being a felon in possession of a firearm, appeals from the order of the District Court<sup>1</sup> denying his 28

---

<sup>1</sup>The Honorable Dean Whipple, United States District Judge for the Western District of Missouri.

U.S.C. § 2255 motion that challenged his sentence under Johnson v. United States, 135 S. Ct. 2551 (2015) (invalidating the residual clause of the Armed Career Criminal Act as unconstitutionally vague). Specifically, Weber challenged his increased offense level under United States Sentencing Guidelines § 2K2.1. After de novo review, we conclude that the District Court properly denied relief because Weber’s sentence was calculated under the advisory Guidelines, which are not subject to void-for-vagueness challenges. See Beckles v. United States, 137 S. Ct. 886, 895 (2017). Accordingly, we affirm, and we grant counsel’s motion to withdraw.

---