

United States Court of Appeals  
For the Eighth Circuit

---

No. 16-3085

---

Steven S. Cowan

*Movant - 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 17, 2017

[Unpublished]

---

Before COLLOTON, BOWMAN, and KELLY, Circuit Judges.

---

PER CURIAM.

Federal prisoner Steven Cowan, who pled guilty to being a felon in possession of a firearm, appeals the district court's<sup>1</sup> order denying his 28 U.S.C. § 2255 motion

---

<sup>1</sup>The Honorable Greg Kays, Chief Judge, United States District Court for the Western District of Missouri.

that challenged his sentence under Johnson v. United States, 135 S. Ct. 2551 (2015) (invalidating residual clause of Armed Career Criminal Act as unconstitutionally vague); Cowan specifically challenged his increased base offense level under U.S.S.G. § 2K2.1. Upon de novo review, we find that the district court properly denied relief, because Cowan’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. We also grant counsel’s motion to withdraw.

---