

United States Court of Appeals
For the Eighth Circuit

No. 19-3009

William Leroy Sanders

Petitioner - Appellant

v.

United States of America

Respondent - Appellee

Appeal from United States District Court
for the Southern District of Iowa - Des Moines

Submitted: September 25, 2020

Filed: October 5, 2020

[Unpublished]

Before COLLOTON, BENTON, and KOBES, Circuit Judges.

PER CURIAM.

William Leroy Sanders appeals after the district court¹ denied his 28 U.S.C. § 2255 motion, and granted a certificate of appealability on his claim that his sentence

¹The Honorable Stephanie M. Rose, United States District Judge for the Southern District of Iowa.

under the Armed Career Criminal Act (ACCA), 18 U.S.C. § 924(e), is invalid in light of *Johnson v. United States*, 576 U.S. 591, 606 (2015) (invalidating residual clause of ACCA as unconstitutionally vague). Having jurisdiction under 28 U.S.C. § 1291, this court affirms.

This court concludes Sanders did not meet his burden to show by a preponderance of the evidence that the residual clause led the sentencing court to apply the ACCA enhancement. *See Dembry v. United States*, 914 F.3d 1185, 1187 (8th Cir. 2019) (standard of review); *Golinveaux v. United States*, 915 F.3d 564, 567-68 (8th Cir. 2019) (movant bringing *Johnson* claim must show by preponderance of evidence that residual clause led sentencing court to apply ACCA enhancement).

The judgment is affirmed.
