

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT

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No. 14-11008  
Non-Argument Calendar

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D.C. Docket Nos. 4:13-cv-00142-WTM-GRS,  
4:09-cr-00416-WTM-GRS-1

JAMES BERNARD JONES, JR.,

Petitioner – Appellant,

versus

UNITED STATES OF AMERICA,

Respondent – Appellee.

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

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(April 5, 2016)

**ON REMAND FROM THE  
UNITED STATES SUPREME COURT**

Before MARCUS, JORDAN, and JULIE CARNES, Circuit Judges.

PER CURIAM:

This case is here following a remand from the Supreme Court for consideration in light of *Johnson v. United States*, 135 S. Ct. 2551 (2015).

Following review of the record and the parties' supplemental briefs, we affirm the denial of Mr. Jones' motion to vacate pursuant to 28 U.S.C. § 2255.

Briefly stated, Mr. Jones cannot show prejudice from his counsel's failure to object to the BOLEO offense being counted as a qualifying conviction under the career offender provisions of the Sentencing Guidelines. *See* U.S.S.G. §§ 4B1.1(a) & 4B1.2. As we indicated in our prior opinion, the BOLEO offense constituted a "crime of violence" under the residual clause of the career offender provisions. Because we have recently held that the vagueness principle announced in *Johnson* does not apply to the career offender provisions of the Sentencing Guidelines, *see United States v. Matchett*, 802 F.3d 1185 (11<sup>th</sup> Cir. 2015), any constitutional objection by Mr. Jones' counsel to the use of the residual clause of the career offender guideline would have failed.\*

**AFFIRMED.**

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\*We deny Mr. Jones' motion to expand the certificate of appealability to include a freestanding guideline error claim.