[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 17-11053
Non-Argument Calendar

D.C. Docket Nos. 1:15-cv-23922-FAM; 1:12-cr-20367-FAM-2

SHEROND DURON KING,

Petitioner - Appellant,

versus

UNITED STATES OF AMERICA,

Respondent - Appellee.

Appeal from the United States District Court
for the Southern District of Florida

(January 26, 2018)

Before MARTIN, ROSENBAUM, and ANDERSON, Circuit Judges.

PER CURIAM:

Sherond Duron King appeals the denial of his 28 U.S.C. § 2255 motion to vacate his 1,062-month sentence imposed after a jury convicted him of conspiracy to commit Hobbs Act robbery, four counts of Hobbs Act robbery, and four counts of possession of a firearm in furtherance of a crime of violence. King previously appealed his convictions and sentence, and we affirmed. *United States v. King*, 751 F.3d 1268 (11th Cir. 2014). Now, he argues that his Hobbs Act robbery convictions no longer qualify as crimes of violence under 18 U.S.C. § 924(c) following the United States Supreme Court's decision in *Johnson v. United States*, 135 S. Ct. 2551 (2015). But we have previously held that *Johnson* did not invalidate the "risk-of-force" provision in 18 U.S.C. § 924(c)(1)(B) and that Hobbs Act robbery qualifies as a crime of violence under § 924(c)(1)(A). Accordingly, we affirm the decision below.

I.

In reviewing a § 2255 proceeding, we review legal conclusions *de novo* and factual findings for clear error. *Osley v. United States*, 751 F.3d 1214, 1222 (11th Cir. 2014). We may affirm the denial of a § 2255 motion for any reason supported by the record, even if it was not relied upon by the district court. *United States v. Al-Arian*, 514 F.3d 1184, 1189 (11th Cir. 2008).

II.

At the time King filed his initial brief, this Court had not decided whether *Johnson* applied to 18 U.S.C. § 924(c). We have since upheld the validity of § 924(c)(1)(B). *Ovalles v. United States*, 861 F.3d 1257 (11th Cir. 2017).

In *Johnson*, the Supreme Court considered the constitutionality of the "residual clause" of the Armed Career Criminal Act ("ACCA"). The ACCA defined a "violent felony as any crime punishable by a term of imprisonments exceeding one year that . . . is burglary, arson, or extortion, involves use of explosives, **or otherwise involves conduct that presents a serious potential risk of physical injury to another.**" 18 U.S.C. 924(e)(1)(B)(ii) (emphasis added); *Johnson*, 135 S. Ct. at 2556. The clause emphasized above is known as the residual clause, and the Supreme Court determined in *Johnson* that that clause was unconstitutionally vague.

In contrast to § 924(e) of the ACCA, § 924(c) provides for a mandatory consecutive sentence for any defendant who uses a firearm during a crime of violence or a drug-trafficking crime. 18 U.S.C. § 924(c)(1). For the purposes of § 924(c), "crime of violence" in that statute means an offense that is a felony and

> (A) has as an element the use, attempted use, or threatened use of physical force against the person or property of another, or
>
> (B) that by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.

Id. § 924(c)(3)(A), (B). The first prong of the definition is referred to as the "use-of-force" clause, and the second prong is referred to as the "risk-of-force" clause. *Ovalles*, 861 F.3d at 1263.

In *Ovalles*¸ we held that the Supreme Court's decision in *Johnson* did not invalidate the "risk-of-force" clause in § 924(c)(3)(B). *Id.* at 1265-66. We are bound by this Court's prior precedent unless and until it is overruled by this Court sitting *en banc* or by the Supreme Court. *United States v. Vega-Castillo*, 540 F.3d 1235, 1236 (11th Cir. 2008); *see also In re Lambrix*, 776 F.3d 789, 794 (11th Cir. 2015) (holding that the prior-panel-precedent rule applies with equal force to prior-panel decisions published in the context of applications to file second or successive petitions). Accordingly, King's argument regarding the validity of § 924(c)(3)(B) is foreclosed by our decision in *Ovalles*, and we affirm the denial of his § 2255 motion for this reason.

III.

Even if King's argument concerning the validity of § 924(c)(3)(B) were not foreclosed by our decision in *Ovalles*, King would not be entitled to relief. Though King argues that his Hobbs Act robbery convictions do not qualify as crimes of violence under § 924(c)(1)(A), the "use-of-force" provision, his argument is foreclosed by our precedent in *In re Fleur*, 824 F.3d 1337, 1340-41 (11th Cir.

2016), in which we held that Hobbs Act robbery "clearly qualifies" as a crime of violence under the use-of-force clause of § 924(c).

IV.

The district court did not err in denying King's §2255 motion. Accordingly, we affirm.

AFFIRMED.