

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-5220

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

SHERMAN ALAN TURNER, a/k/a Chuckie Turner, a/k/a Sherman
Allen Turner, a/k/a Sherman Turner,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern
District of Virginia, at Alexandria. Gerald Bruce Lee, District
Judge. (1:09-cr-00156-GBL-1)

Submitted: October 20, 2010

Decided: November 17, 2010

Before NIEMEYER and KING, Circuit Judges, and HAMILTON, Senior
Circuit Judge.

Affirmed by unpublished per curiam opinion.

Michael S. Nachmanoff, Federal Public Defender, Frances H.
Pratt, Aamra S. Ahmad, Assistant Federal Public Defenders,
Alexandria, Virginia, for Appellant. Neil H. MacBride, United
States Attorney, Lanny A. Breuer, Assistant Attorney General,
Greg D. Andres, Acting Deputy Assistant Attorney General, J.
Campbell Barker, UNITED STATES DEPARTMENT OF JUSTICE,
Washington, D.C., for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Sherman Alan Turner pleaded guilty to possession of a firearm by a felon, in violation of 18 U.S.C. § 922(g) (2006). Based on his prior convictions for felony crimes of violence, Turner was sentenced pursuant to the Armed Career Criminal Act ("ACCA"), 18 U.S.C. § 924(e) (2006), to 180 months of imprisonment. Turner appeals his sentence. Finding no error, we affirm.

Turner argues that his prior conviction for larceny from the person does not qualify as a violent felony under the ACCA. We have previously rejected a similar challenge, see United States v. Jarmon, 596 F.3d 228, 230-33 (4th Cir.), cert. denied, 2010 WL 2215708 (2010) (No. 09-11134), and we disagree with Turner's argument that Jarmon has been called into question by the Supreme Court's decision in Johnson v. United States, 130 S. Ct. 1265 (2010). Therefore, we may not overrule this court's binding precedent. United States v. Simms, 441 F.3d 313, 318 (4th Cir. 2006) ("A decision of a panel of this court becomes the law of the circuit and is binding on other panels unless it is overruled by a subsequent en banc opinion of this court or a superseding contrary decision of the Supreme Court." (internal quotation omitted)). Therefore, this claim fails.

Accordingly, we affirm the judgment. We dispense with oral argument because the facts and legal contentions are

adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED