

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 10-5247

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

SHAKOOR STEVENSON,

Defendant - Appellant.

Appeal from the United States District Court for the District of Maryland, at Baltimore. J. Frederick Motz, Senior District Judge. (1:08-cr-00036-JFM-1; 1:10-cr-00247-JFM-1)

Submitted: November 23, 2011

Decided: December 28, 2011

Before KING, SHEDD, and WYNN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Marc L. Resnick, Washington, D.C., for Appellant. Rod J. Rosenstein, United States Attorney, Christopher J. Romano, Assistant United States Attorney, Baltimore, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Shakoor Stevenson pled guilty to distribution of and possession with the intent to distribute five grams or more of cocaine base, both in violation of 21 U.S.C. § 841(a)(1) (2006). He reserved the right to appeal any finding that he is a career offender under U.S. Sentencing Guidelines Manual (USSG) § 4B1.1 (2009). The district court determined that Stevenson was a career offender and imposed a sentence of 136 months of imprisonment. Stevenson appeals his sentence, arguing that the court erred in classifying him as a career offender.

The district court's conclusion that Stevenson was a career offender was grounded in its determination that Stevenson's prior conviction for the Maryland common law offense of resisting arrest is a crime of violence under USSG § 4B1.1. Stevenson's challenge to this conclusion is squarely foreclosed by our recent decision in United States v. Jenkins, 631 F.3d 680 (4th Cir. 2011). Because a panel of this court cannot overrule the decision of a prior panel, see United States v. Rivers, 595 F.3d 558, 564 n.3 (4th Cir. 2010), Jenkins requires rejection of Stevenson's appeal. Accordingly, we affirm Stevenson's sentence. 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