

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 17-7606

WILLIAM STAPLES,

Petitioner - Appellant,

v.

WARDEN TERRY O'BRIEN, Warden at USP Complex,

Respondent - Appellee.

Appeal from the United States District Court for the Northern District of West Virginia,
at Elkins. John Preston Bailey, District Judge. (2:16-cv-00018-JPB-JES)

Submitted: June 28, 2018

Decided: October 19, 2018

Before GREGORY, Chief Judge, AGEE and HARRIS, Circuit Judges.

Vacated and remanded by unpublished per curiam opinion.

William Staples, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

William Staples, a federal prisoner, appeals the district court's order denying his 28 U.S.C. § 2241 (2012) habeas petition in which Staples sought to challenge his 200-month sentence, which was imposed pursuant to the Armed Career Criminal Act. *See* 18 U.S.C. § 924(e) (2012). The district court determined that Staples was unable to so challenge his sentence under the savings clause of 28 U.S.C. § 2255(e) (2012). At the time it rendered this decision, the district court did not have the benefit of our recent ruling in *United States v. Wheeler*, 886 F.3d 415 (4th Cir.), *petition for cert. filed*, No. 18-420 (U.S. Oct. 4, 2018), in which we held that an inmate may, under certain circumstances, challenge the legality of his sentence in a § 2241 petition. Accordingly, we vacate the district court's order and remand this case for further consideration in light of *Wheeler*. On remand, the district court should also independently evaluate whether the prior convictions that supported Staples' armed career criminal designation remain viable predicates after the Supreme Court's ruling in *Johnson v. United States*, 135 S. Ct. 2551 (2015). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

VACATED AND REMANDED