

NOT RECOMMENDED FOR FULL-TEXT PUBLICATION

File Name: 12a0712n.06

No. 10-5382

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

**FILED**  
**Jul 03, 2012**  
LEONARD GREEN, Clerk

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff-Appellee,	)	ON APPEAL FROM THE UNITED
	)	STATES DISTRICT COURT FOR
v.	)	THE WESTERN DISTRICT OF
	)	TENNESSEE
LADARIUS MELTON,	)	
	)	
Defendant-Appellant.	)	

Before: MARTIN, SUHRHEINRICH, and COLE, Circuit Judges.

PER CURIAM. Ladarius Melton appeals a district court judgment sentencing him to 160 months of imprisonment for one count of bank robbery.

Melton pleaded guilty to one count of bank robbery in violation of 18 U.S.C. § 2113(a). The district court determined that Melton was a career offender under USSG § 4B1.1(a) based in part on his prior conviction under Tennessee law for evading arrest. Melton’s evading arrest conviction was charged as a Class E felony. The district court sentenced Melton as a career offender to 160 months in prison. On appeal, Melton argues that the district court erred by concluding that his prior conviction for evading arrest constituted a “crime of violence” under the United States Sentencing Guidelines.

A district court’s determination that a prior conviction is a crime of violence under the Guidelines is reviewed de novo. *United States v. Ruvalcaba*, 627 F.3d 218, 221 (6th Cir. 2010), cert. denied, 131 S. Ct. 2133 (2011). In determining whether a conviction is a crime of violence under the Guidelines, we analyze the conviction in the same way we analyze whether a conviction is a

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“violent felony” under the Armed Career Criminal Act, 18 U.S.C. § 924(e)(1). *United States v. Meeks*, 664 F.3d 1067, 1070 n.1 (6th Cir. 2012). Melton’s argument that his prior conviction for evading arrest is not a crime of violence under the Guidelines is foreclosed by our decision in *United States v. Doyle*, No. 10-5075, 2012 WL 1560394 (6th Cir. May 4, 2012), which held that a conviction under Tennessee law for Class E felony evading arrest is a violent felony under the Armed Career Criminal Act.

The district court’s judgment is affirmed.