

NOT RECOMMENDED FOR FULL-TEXT PUBLICATION

File Name: 15a0487n.06

Case No. 14-5537

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

FILED
Jul 06, 2015
DEBORAH S. HUNT, Clerk

UNITED STATES OF AMERICA)
)
Plaintiff-Appellee,)
)
v.)
)
GEORGE DARDEN,)
)
Defendant-Appellant.)
)
)

ON APPEAL FROM THE UNITED
STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF
KENTUCKY

ORDER

BEFORE: SUTTON and DONALD, Circuit Judges; ZOUHARY, District Judge.*

PER CURIAM. George Darden received a career offender enhancement under United States Sentencing Guideline § 4B1.1. At issue is whether one of Darden’s previous convictions qualifies as a “crime of violence” under the residual clause of § 4B1.2(a)(2). *See* Appellee’s Br. 7. In *Johnson v. United States*, No. 13-7120 (U.S. June 26, 2015) (slip op. at 10, 15), the Supreme Court held that the identically worded residual clause of the Armed Career Criminal Act is void for vagueness. *Compare* U.S.S.G. § 4B1.2(a)(2) *with* 18 U.S.C. § 924(e)(2)(B)(ii). We have previously interpreted both residual clauses identically, *see United States v. Ford*, 560 F.3d 420, 421 (6th Cir. 2009); *United States v. Houston*, 187 F.3d 593, 594–95 (6th Cir.

*The Honorable Jack Zouhary, United States District Judge for the Northern District of Ohio, sitting by designation.

1999), and Darden deserves the same relief as Johnson: the vacating of his sentence. Indeed, after *Johnson*, the Supreme Court vacated the sentences of offenders who were sentenced under the Guidelines' residual clause. *United States v. Maldonado*, 581 F. App'x 19, 22–23 (2d Cir. 2014), *vacated*, 576 U.S. ___ (2015); *Beckles v. United States*, 579 F. App'x 833, 833–34 (11th Cir. 2014), *vacated*, 576 U.S. ___ (2015). The same relief is appropriate here.

For these reasons, we vacate the judgment and remand for reconsideration in light of *Johnson v. United States*.