

NOT RECOMMENDED FOR FULL-TEXT PUBLICATION

File Name: 15a0487n.06

Case No. 14-5537

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

UNITED STATES OF AMERICA

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)

Plaintiff-Appellee,

)

)

v.
GEORGE DARDEN,

)

Defendant-Appellant.

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)

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FILED

Jul 06, 2015

DEBORAH S. HUNT, Clerk

O R D E R

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.

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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*.