

United States Court of Appeals
For the Eighth Circuit

No. 16-4427

Troy Cramer

Petitioner - Appellant

v.

United States of America

Respondent - Appellee

Appeal from United States District Court
for the District of Nebraska - Lincoln

Submitted: November 1, 2017

Filed: November 8, 2017

[Unpublished]

Before WOLLMAN, GRUENDER, and BENTON, Circuit Judges.

PER CURIAM.

Troy Cramer appeals the district court's¹ denial of his 28 U.S.C. § 2255 motion challenging a sentence imposed when he pled guilty to conspiracy to distribute

¹The Honorable John M. Gerrard, United States District Judge for the District of Nebraska.

methamphetamine. Having jurisdiction under 28 U.S.C. § 1291, this court affirms.

Cramer was sentenced as a career offender to 262 months in prison. On appeal he claims his sentence violates due process because he no longer qualifies as a career offender after *Johnson v. United States*, 135 S. Ct. 2551 (2015). *Johnson* invalidated as vague the residual clause of the Armed Career Criminal Act. *Id.* at 2557. Cramer argues that the vagueness invalidation applies to an identically worded former provision in the Sentencing Guidelines, which was applied in his case. Cramer is not entitled to relief under section 2255 because the advisory Guidelines are not subject to a void-for-vagueness challenge. *See Beckles v. United States*, 137 S. Ct. 886, 895 (2017).

The judgment is affirmed. Counsel's motion to withdraw is granted.
