

United States Court of Appeals
For the Eighth Circuit

No. 17-2540

Avery Glass

Petitioner - Appellant

v.

United States of America

Respondent - Appellee

Appeal from United States District Court
for the Western District of Missouri - Springfield

Submitted: December 5, 2018

Filed: December 21, 2018

[Unpublished]

Before KELLY, GRASZ, and STRAS, Circuit Judges.

PER CURIAM.

Avery Glass appeals after the district court¹ denied his 28 U.S.C. § 2255 motion, in which he challenged his sentence under the Armed Career Criminal Act

¹The Honorable Brian C. Wimes, United States District Judge for the Western District of Missouri.

(ACCA), arguing that his prior Missouri conviction for second-degree robbery no longer qualified as an ACCA predicate offense, after Johnson v. United States, 135 S. Ct. 2551 (2015). In light of a recent decision by this court en banc, we conclude that Glass's argument is foreclosed. See United States v. Swopes, 886 F.3d 668, 670-72 (8th Cir. 2018) (en banc) (concluding that Missouri conviction for second-degree robbery qualifies as ACCA predicate offense), as corrected (Mar. 29, 2018), pet. for cert. filed (U.S. Aug. 30, 2018) (No. 18-5838). Accordingly, we affirm. See 8th Cir. R. 47B. We also deny Glass's motion for a stay.
