

United States Court of Appeals
For the Eighth Circuit

No. 17-3422

John Joseph Douglas

Petitioner - Appellant

v.

United States of America

Respondent - Appellee

Appeal from United States District Court
for the District of Minnesota - Minneapolis

Submitted: March 6, 2019

Filed: March 11, 2019

[Unpublished]

Before BENTON, WOLLMAN, and KELLY, Circuit Judges.

PER CURIAM.

John Douglas was found guilty of being a felon in possession of a firearm, and he was sentenced to 240 months in prison. His sentence was enhanced under the Armed Career Criminal Act, 18 U.S.C. § 924(e) (felon in possession who has three prior convictions for “violent felony” shall be imprisoned not less than 15 years).

Douglas later filed a 28 U.S.C. § 2255 motion challenging his sentence as an armed career criminal. The motion was denied, based in part on the district court's¹ conclusion that Douglas's two prior Minnesota convictions for first-degree aggravated robbery qualified as "violent felon[ies]" for purposes of section 924(e). The district court then granted Douglas a certificate of appealability regarding that conclusion, and he appeals.

After careful de novo review, we conclude that Douglas's prior convictions were properly classified as "violent felon[ies]." See United States v. Libby, 880 F.3d 1011, 1013, 1016 (8th Cir. 2018) (by its terms, first-degree aggravated robbery under Minnesota law minimally requires that defendant communicate threat of violent force; as such, elements of offense categorically present "violent felony"); see also United States v. Salean, 583 F.3d 1059, 1060 n.2 (8th Cir. 2009) (for purposes of determining whether prior conviction qualified as "violent felony," it was irrelevant that prior conviction was premised on aiding-and-abetting theory of liability). Accordingly, we affirm. See 8th Cir. R. 47B.

¹The Honorable Patrick J. Schiltz, United States District Judge for the District of Minnesota.