

United States Court of Appeals
For the Eighth Circuit

No. 18-3629

United States of America

Plaintiff - Appellee

v.

John Joseph Pierce

Defendant - Appellant

Appeal from United States District Court
for the Southern District of Iowa - Des Moines

Submitted: October 14, 2019
Filed: November 25, 2019
[Unpublished]

Before SMITH, Chief Judge, GRUENDER and BENTON, Circuit Judges.

PER CURIAM.

John Pierce pleaded guilty to being a felon in possession of a firearm. *See* 18 U.S.C. §§ 922(g)(1), 924(a)(2). His presentence investigation report included a four-level enhancement for possession of a firearm in connection with another felony offense. *See* U.S.S.G. § 2K2.1(b)(6)(B). Pierce objected to the enhancement. The

district court¹ overruled the objection and calculated a total offense level of 23, a criminal history category of VI, and an advisory sentencing guidelines range of 92 to 115 months. The district court sentenced Pierce to 92 months' imprisonment.

Pierce argues on appeal that the district court erred in applying the four-level enhancement for possession of a firearm in connection with another felony offense because his firearms possession "merely facilitated another firearm possession offense." See Iowa Code § 724.4(1). He argues that the enhancement is meant to address "additional conduct that is somehow aided or advanced by a defendant's firearm possession." We review a district court's application of the sentencing guidelines *de novo*. *United States v. Johnson*, 846 F.3d 1249, 1250 (8th Cir. 2017).

Pierce concedes that his argument is controlled by our decision in *United States v. Walker*, 771 F.3d 449 (8th Cir. 2014). In *Walker*, we held that a violation of Iowa Code section 724.4(1), as here, constitutes "another felony offense" for purposes of a § 2K2.1(b)(6)(B) enhancement. 771 F.3d at 452-53. We thus affirm the district court's sentence. See *United States v. Manning*, 786 F.3d 684, 686 (8th Cir. 2015) ("A panel of this Court is bound by a prior Eighth Circuit decision unless that case is overruled by the Court sitting en banc.").

¹The Honorable Rebecca Goodgame Ebinger, United States District Judge for the Southern District of Iowa.