

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

STANLEY HARRISON	:	
	:	
v.	:	CIVIL NO. CCB-16-2419
	:	Criminal No. CCB-06-0478
UNITED STATES OF AMERICA	:	
	:	
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**MEMORANDUM**

Federal prison inmate Stanley Harrison has filed a motion to correct sentence under 28 U.S.C. § 2255 (ECF No. 380) and an amended motion (ECF No. 387). The government has responded by a motion to dismiss (ECF No. 394). Harrison's motions must be denied.<sup>1</sup>

Harrison was sentenced as a career offender following his guilty plea to conspiracy to distribute heroin. His career offender guideline resulted from three prior serious drug offenses, not crimes of violence. Because he did not challenge his career offender status at sentencing or on his direct appeal, the claim is procedurally barred. To the extent he relies on *Johnson v. United States*, 135 S. Ct. 2551 (2015), he cannot prevail because *Johnson* did not apply to the definition of predicate drug offenses or to career offender sentences under the advisory guidelines. *Beckles v. United States*, 137 S. Ct. 886, 892-95 (2017).

Finally, Harrison's claim is time-barred, because it was filed more than one year after his direct appeal concluded. While *Johnson* announced a new law permitting an additional year to file a claim under 28 U.S.C. § 2255(f)(3), *Mathis v. U.S.*, 136 S. Ct. 2243 (2016) did not. Accordingly, it would be futile to permit Harrison to amend his motion to vacate.

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<sup>1</sup> Harrison was sentenced by Senior Judge J. Frederick Motz, who is no longer hearing cases. This case has been transferred to me for decision.

No certificate of appealability will be granted. A separate order follows.

December 5, 2017  
Date

\_\_\_\_\_/s/  
Catherine C. Blake  
United States District Judge