

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

LAWRENCE EDWARD WILLIAMS,)	
)	
Movant,)	
)	
v.)	No. 4:15CV1651 AGF
)	
UNITED STATES OF AMERICA,)	
)	
Respondent,)	

MEMORANDUM AND ORDER

Lawrence Williams moves the Court to modify his sentence under 28 U.S.C. § 2255. He bases his motion, in part, under *Johnson v. United States*, 135 S.Ct. 2551 (2015). *Johnson*, however, does not apply to movant’s claims for relief under § 2255 because he was not sentenced under the Armed Career Criminal Act (the “ACCA”), 18 U.S.C. § 924(e)(2)(B)(ii). As such, the Court will dismiss movant’s *Johnson* claim and will order the government to respond to movant’s remaining claims. *See* 28 U.S.C. § 2255, Rule 4.¹

In *Johnson*, the Court found that the “residual clause” of the ACCA was void for vagueness. Defendants sentenced under the ACCA face a mandatory minimum of fifteen years under 18 U.S.C. § 924(e)(1).

Although Williams was convicted of being a felon in possession of a firearm, he was not sentenced under the ACCA. Williams was convicted of violating 18 U.S.C. § 922(g)(1) and was sentenced to 66 months’ imprisonment. *United States v. Williams*, 4:13CR128 AGF (E.D. Mo.). Under § 2K2.1 of the United States Sentencing Guidelines, he was given an enhancement because he had “sustain[ed] one [prior] felony conviction of either a crime of violence or a

¹ The Court will grant the Federal Public Defender’s request to withdraw from its representation of movant because *Johnson* does not apply to movant’s claims for relief.

controlled substance offense.” The enhancement was predicated on a 1992 Missouri first degree robbery conviction. In that case, Williams forcibly stole two automobiles, money, and a purse, and in the course thereof, he displayed a sawed-off shotgun. *Id.* The conviction qualifies as a crime of violence. As a result, Williams is not entitled to relief under *Johnson*.

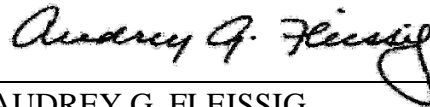
Accordingly,

IT IS HEREBY ORDERED that Williams’s *Johnson* claim is **DENIED AND DISMISSED**.

IT IS FURTHER ORDERED that counsel’s motion to withdraw [Doc. #5] is **GRANTED**.

The Court will issue a separate Case Management Order simultaneously with this Memorandum and Order.

Dated this 18th day of December, 2015.



AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE