



cocaine base) and a consecutive 60 months on Count III (possession of a firearm in furtherance of a drug trafficking offense). In exchange for his guilty plea to those three counts, the government dismissed Count I, which had charged him with being a felon in possession of a firearm. Case No. 4:15CR418 CDP. He did not appeal, but filed this motion challenging the constitutionality of the § 924(c) conviction.

First, Coleman was not sentenced for possessing a firearm in connection with a crime of violence, so the analysis of *Johnson*, which focused on the residual clause of the definition of “crime of violence” in § 924(e)(2)(B), simply has no application to Coleman’s case. Second, in *United States v. Prickett*, the Eighth Circuit Court of Appeals considered an argument that the definition of “crime of violence” in 18 U.S.C. § 924(c) is void for vagueness. The Court rejected that argument, agreeing with several other Circuits to conclude that the statute was not unconstitutionally vague.

Coleman has no legal basis for relief and so I will deny his § 2255 motion.

Accordingly,

**IT IS HEREBY ORDERED** that the motion to vacate, set aside or correct sentence [1] is denied.

**IT IS FURTHER ORDERED** that the Clerk of Court shall docket a copy of this Memorandum and Order in Coleman's Criminal Case No. 4:15CR418 CDP.

A separate judgment in accord with this Order is entered in this case today.

  
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CATHERINE D. PERRY  
UNITED STATES DISTRICT JUDGE

Dated this 30th day of October, 2017