

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT

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No. 17-10604  
Non-Argument Calendar

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D.C. Docket Nos. 1:16-cv-22665-PCH; 1:07-cr-20617-PCH-1

ARRINGTON OLIVER,

Petitioner-Appellant,

versus

UNITED STATES OF AMERICA,

Respondents-Appellees.

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Appeal from the United States District Court  
for the Southern District of Florida

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(March 2, 2018)

Before WILSON, WILLIAM PRYOR and JORDAN, Circuit Judges.

PER CURIAM:

Arrington Oliver appeals the denial of his successive motion to vacate his sentence. 28 U.S.C. § 2255. Oliver applied for leave to file a successive motion on

the ground that, in the wake of *Johnson v. United States*, 135 S. Ct. 2551 (2015), his prior convictions for attempted second degree murder, battery of a law enforcement officer, and carrying a concealed firearm no longer qualified as crimes of violence under the Armed Career Criminal Act, 18 U.S.C. § 924(c). We granted Oliver’s application based on our “threshold determination [that he had] presented a *prima facie* case under *Johnson*,” and we instructed the district court to determine whether Oliver had satisfied the statutory criteria for filing a successive motion, 28 U.S.C. § 2255(h). *See In re Moore*, 830 F.3d 1268, 1270–73 (11th Cir. 2016). The district court failed to decide whether Oliver satisfied the requirements of section 2255(h), which is a threshold jurisdictional issue that must be decided before delving into the merits of the successive motion. *See Farris v. United States*, 333 F.3d 1211, 1216 (11th Cir. 2003). We vacate and remand for the district court to decide the jurisdictional issue.

**VACATED AND REMANDED.**