

United States Court of Appeals
For the Eighth Circuit

No. 16-1751

United States of America,

Plaintiff - Appellee,

v.

Ahmad R. Hudson,

Defendant - Appellant.

Appeal from United States District Court
for the Eastern District of Missouri - St. Louis

Submitted: January 9, 2017

Filed: May 30, 2017

[Unpublished]

Before COLLOTON, MURPHY, and MELLOY, Circuit Judges.

PER CURIAM.

Ahmad Hudson pleaded guilty to unlawfully possessing a firearm as a previously convicted felon, in violation of 18 U.S.C. § 922(g)(1). At sentencing, the

district court* concluded that Hudson's base offense level should be increased under USSG § 2K2.1(a)(3), because he had sustained a prior conviction for a "crime of violence." The prior conviction was for unlawful use of a weapon under Mo. Rev. Stat. § 571.030.1(4). The court then determined that Hudson's advisory guideline range was 63 to 78 months' imprisonment and sentenced him to a term of 70 months' imprisonment.

Hudson appeals, arguing that the district court committed procedural error by counting his prior conviction as a crime of violence. In *United States v. Pulliam*, 566 F.3d 784, 788 (8th Cir. 2009), this court held that a conviction under § 571.030.1(4) is a "violent felony" under the Armed Career Criminal Act, 18 U.S.C. § 924(e)(2)(B)(i), because it has as an element the use, attempted use, or threatened use of physical force against the person of another. "Crime of violence" under the guidelines also includes offenses that have such an element, *see* USSG § 4B1.2(a)(1), so *Pulliam* dictates that Hudson sustained a qualifying prior conviction.

Hudson asserts that intervening Supreme Court decisions have superseded the reasoning of *Pulliam*, and that we should conclude under current law that his prior conviction is not a crime of violence. We rejected the same argument in *United States v. Steven Hudson*, 851 F.3d 807, 808-10 (8th Cir. 2017), and Hudson's contention is foreclosed by this recent decision. The judgment of the district court is affirmed.

*The Honorable Ronnie L. White, United States District Judge for the Eastern District of Missouri.