

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

April 6, 2017

Elisabeth A. Shumaker
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MICHAEL WALKER, JR.,

Defendant - Appellant.

No. 16-1429
(D.C. Nos. 1:16-CV-01381-LTB and
1:06-CR-00320-LTB-2)
(D. Colo.)

ORDER AND JUDGMENT*

Before **MATHESON, BACHARACH, and PHILLIPS**, Circuit Judges.

This matter comes on for consideration of the defendant’s response to this court’s order of March 24, 2017, in which the defendant was ordered to show cause why the district court judgment should not be summarily affirmed in light of the Supreme Court decision in *Beckles v. United States*, 137 S. Ct. 886 (2017) (holding that the United States Sentencing Guidelines, including § 4B1.2(a), are not subject to vagueness challenges under the Due Process Clause). In response, the defendant states that “Undersigned counsel has failed to identify any legal argument refuting that *Beckles* controls this case.” Response at p.1.

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. It may be cited, however, for its persuasive value consistent with Fed. R. App. P. 32.1 and 10th Cir. 32.1.

Accordingly, the judgment of the district court is **AFFIRMED**.

The mandate shall issue forthwith.

Entered for the Court
Per Curiam