

United States Court of Appeals
For the Eighth Circuit

No. 18-3601

United States of America

Plaintiff - Appellee

v.

Allan Arceo

Defendant - Appellant

Appeal from United States District Court
for the Northern District of Iowa – Waterloo

Submitted: October 14, 2019

Filed: November 25, 2019

[Unpublished]

Before SMITH, Chief Judge, GRUENDER and BENTON, Circuit Judges.

PER CURIAM.

Allan Arceo pleaded guilty to being a felon in possession of a firearm in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2). His presentence investigation report included a four-level enhancement for possession of a firearm in connection with another felony offense. *See* U.S.S.G. § 2K2.1(b)(6)(B). Arceo objected to the

enhancement. The district court¹ overruled the objection and calculated a total offense level of 17, a criminal history category of IV, and an advisory sentencing guidelines range of 37 to 46 months. The district court sentenced Arceo to 37 months' imprisonment.

Arceo argues on appeal that the district court erred in applying the four-level enhancement for possession of a firearm in connection with another felony offense because his possession of a firearm “merely facilitated another firearm possession offense.” See Iowa Code § 724.4(1). He claims the enhancement is meant to address “additional conduct that is somehow aided or advanced by a defendant’s firearm possession.” We review a district court’s application of the sentencing guidelines *de novo*. *United States v. Johnson*, 846 F.3d 1249, 1250 (8th Cir. 2017).

Arceo concedes that his argument is controlled by our decision in *United States v. Walker*, 771 F.3d 449 (8th Cir. 2014). In *Walker*, we held that a violation of Iowa Code section 724.4(1), as here, constitutes “another felony offense” for purposes of a § 2K2.1(b)(6)(B) enhancement. 771 F.3d at 452-53. We thus affirm the district court’s sentence. See *United States v. Manning*, 786 F.3d 684, 686 (8th Cir. 2015) (“A panel of this Court is bound by a prior Eighth Circuit decision unless that case is overruled by the Court sitting en banc.”).

¹The Honorable Linda R. Reade, United States District Judge for the Northern District of Iowa.