

United States Court of Appeals
For the Eighth Circuit

No. 22-1137

United States of America

Plaintiff - Appellee

v.

Leon Sheley

Defendant - Appellant

Appeal from United States District Court
for the Northern District of Iowa - Cedar Rapids

Submitted: June 13, 2022

Filed: July 6, 2022

[Unpublished]

Before LOKEN, ARNOLD, and KELLY, Circuit Judges.

PER CURIAM.

Leon Sheley pleaded guilty to being a felon in possession of a firearm. *See* 18 U.S.C. §§ 922(g)(1), 924(a)(2). A presentence investigation report recommended that, for purposes of calculating a recommended sentencing range, Sheley should receive a four-level enhancement under USSG § 2K2.1(b)(6)(B) because he possessed the firearm "in connection with another felony offense," namely, carrying weapons in

violation of Iowa Code § 724.4(1) (2020). Sheley objected to application of the enhancement on the ground that, though he violated the Iowa statute in effect at the time he possessed the firearm, he did not violate the version of the Iowa statute in effect at sentencing because it had been amended to require that a person "use[] the dangerous weapon in the commission of a crime," *see* Iowa Code § 724.4 (2022), which he did not do. The district court¹ rejected Sheley's contention and sentenced him to 57 months' imprisonment.

Sheley maintains on appeal that the district court erred in applying the enhancement. More specifically, he asserts that the court should have considered the version of Iowa law that applied at the time of sentencing rather than the version that applied at the time of his offense conduct. A prior panel of this court recently rejected the very contentions that Sheley now makes. *See United States v. Alibegic*, 34 F.4th 1122, 1123 (8th Cir. 2022) (per curiam). We held that, "for purposes of § 2K2.1(b)(6)(B), the relevant version of Iowa Code § 724.4(1) is the one in effect at the time of the offense, not at the time of sentencing." *Id.* As we are bound to follow *Alibegic*, *see United States v. Ronning*, 6 F.4th 851, 853–54 (8th Cir. 2021), we reject Sheley's contentions. Because Sheley violated the version of Iowa Code § 724.4(1) in effect at the time of his offense conduct, the district court did not err in applying the enhancement.

Affirmed.

¹The Honorable C.J. Williams, United States District Judge for the Northern District of Iowa.