

United States Court of Appeals
For the Eighth Circuit

No. 23-2559

United States of America

Plaintiff - Appellee

v.

Alvin Dale Abbott

Defendant - Appellant

Appeal from United States District Court
for the Southern District of Iowa - Eastern

Submitted: February 6, 2024

Filed: February 9, 2024

[Unpublished]

Before BENTON, KELLY, and STRAS, Circuit Judges.

PER CURIAM.

Alvin Abbott appeals the sentence imposed by the district court¹ after he pleaded guilty to a firearm offense. His counsel has moved for leave to withdraw, and has filed a brief under Anders v. California, 386 U.S. 738 (1967).

Abbott argues that the district court erred in determining that he had at least two felony convictions for crimes of violence. This determination resulted in a base offense level of 26 under USSG § 2K2.1(a)(1). We review a district court's determination that a prior conviction is a "crime of violence" under the Guidelines de novo. See United States v. Pulley, 75 F.4th 929, 930 (8th Cir. 2023). After careful review, we conclude that under our precedent, Abbott's Iowa convictions for domestic abuse assault impeding air or blood flow and assault with a dangerous weapon qualify as crimes of violence. United States v. Parrow, 844 F.3d 801, 803 (8th Cir. 2016) (per curiam); United States v. McGee, 890 F.3d 730, 736-37 (8th Cir. 2018). Thus, the district court correctly applied the increased base offense level. Because these two convictions satisfy section 2K2.1(a)(1), we need not reach Abbott's argument that the district court erred in concluding that his conviction for domestic abuse assault, second offense, qualified as a crime of violence. See United States v. Daye, 90 F.4th 941 (8th Cir. 2024).

We have independently reviewed the record under Penson v. Ohio, 488 U.S. 75 (1988), and have found no non-frivolous issues for appeal. Accordingly, we affirm, and we grant counsel leave to withdraw.

¹The Honorable Stephanie M. Rose, Chief Judge, United States District Court for the Southern District of Iowa.