

**United States Court of Appeals
FOR THE EIGHTH CIRCUIT**

No. 00-1464

United States of America,

Appellee,

v.

Michael A. Ealey,

Appellant.

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Appeal from the United States
District Court for the
District of Nebraska.

[UNPUBLISHED]

Submitted: July 26, 2000

Filed: July 31, 2000

Before BEAM, FAGG, and LOKEN, Circuit Judges.

PER CURIAM.

Michael Ealey pleaded guilty to bank robbery, in violation of 18 U.S.C. § 2113(a). At sentencing, he objected to his designation as a career offender, arguing that one of his prior felony convictions--burglary of a commercial building--should not be considered a crime of violence for the purposes of U.S. Sentencing Guidelines Manual §§ 4B1.1 and 4B1.2 (1998). The district court¹ overruled Ealey's objection

¹The HONORABLE RICHARD G. KOPF, Chief Judge, United States District Court for the District of Nebraska.

and imposed a sentence of 121 months imprisonment, 3 years supervised release, and restitution. Ealey appeals, again challenging his career-offender status.

Having carefully reviewed the record, we determine that Ealey was properly designated a career offender. He did not contest the presentence report's (PSR) findings that he was over the age of 18, that the instant offense was a crime of violence, and that he had two prior felony convictions. See § 4B1.1; Fed. R. Crim. P. 32(b)(6)(D) (district court may accept unobjected-to portions of PSR as findings of fact). We reiterate our prior holding that commercial burglaries constitute crimes of violence for the purposes of §§ 4B1.1 and 4B1.2. See United States v. Hascall, 76 F.3d 902, 904 (8th Cir.), cert. denied, 519 U.S. 948 (1996). Accordingly, we affirm.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.