

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

No. 00-2794

United States of America,

Appellee,

v.

Gerald McElroy,

Appellant.

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Appeal from the United States
District Court for the
Western District of Missouri.
[UNPUBLISHED]

Submitted: January 9, 2001

Filed: January 19, 2001

Before WOLLMAN, Chief Judge, HANSEN, Circuit Judge, and JONES,¹
District Judge.

PER CURIAM.

Gerald McElroy pled guilty in district court² to being a felon in possession of a firearm in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2). Prior to sentencing, the district court determined, pursuant to our decision in United States v. Hascall, 76 F.3d

¹The Honorable John B. Jones, United States District Judge for the District of South Dakota, sitting by designation.

²The Honorable Gary A. Fenner, United States District Judge for the Western District of Missouri.

902 (8th Cir. 1996), that McElroy's previous conviction for burglary of a commercial building constituted a crime of violence for the purposes of U.S.S.G. § 2K2.1. Accordingly, the district court increased McElroy's base offense level from 20 to 24 and sentenced McElroy to an 87 month term of imprisonment.

McElroy urges us to reverse the district court, overrule Hascall, and hold that his burglary conviction was not a crime of violence. As McElroy recognizes, however, we are bound by Hascall, because "one panel is not at liberty to overrule a decision of another panel." United States v. Prior, 107 F.3d 654, 660 (8th Cir. 1997).

Accordingly, the sentence is affirmed.

A true copy.

Attest:

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