

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 05-1573

| | |
|-----------------------------------|---------------------------------|
| United States of America, | * |
| | * |
| Appellee, | * |
| | * Appeal from the United States |
| v. | * District Court for the |
| | * District of Minnesota. |
| Nasir Jaleel Rahim, also known as | * |
| Junero Antonio Smith, | * [UNPUBLISHED] |
| | * |
| Appellant. | * |

Submitted: June 20, 2006
Filed: June 27, 2006

Before MURPHY, BEAM, and COLLOTON, Circuit Judges.

PER CURIAM.

Nasir Jaleel Rahim appeals the sentence imposed by the district court¹ upon his guilty plea to drug and firearm charges. Rahim was sentenced as a career offender under U.S.S.G. § 4B1.1(a) (defendant is career offender if, among other things, he has at least 2 prior convictions of either crime of violence or controlled substance offense), based in part on a prior state felony conviction for auto theft. Rahim urges this court to revisit our holding that auto theft is a crime of violence for purposes of

¹The Honorable David S. Doty, United States District Judge for the District of Minnesota.

section 4B1.1(a). See United States v. Barbour, 395 F.3d 826, 827-28 (8th Cir.), cert. denied, 126 S. Ct. 133 (2005); United States v. Sprouse, 394 F.3d 578, 579-81 (8th Cir. 2005); United States v. Sun Bear, 307 F.3d 747, 751-53 (8th Cir. 2002), cert. denied, 539 U.S. 916 (2003). Only the court sitting en banc may do so. See United States v. Wright, 22 F.3d 787, 788 (8th Cir. 1994). Accordingly, we affirm.
