

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 08-1003

United States of America,

Appellee,

v.

James Blake McFarlin,

Appellant.

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Appeal from the United States
District Court for the
Eastern District of Arkansas.

[UNPUBLISHED]

Submitted: December 19, 2008

Filed: January 12, 2009

Before MELLOY, COLLOTON, and SHEPHERD, Circuit Judges.

PER CURIAM.

James Blake McFarlin appeals the 188-month prison sentence that the district court¹ imposed following his guilty plea to possessing with intent to distribute methamphetamine, in violation of 21 U.S.C. § 841(a)(1)(A), (b)(1)(B). For reversal, McFarlin argues that the district court improperly sentenced him as a career offender, because his prior Arkansas conviction for burglarizing a pharmacy, barber shop, and beauty shop should not have been classified as a “crime of violence” for purposes of triggering career-offender status. See U.S.S.G. §§ 4B1.1 (defining career offender);

¹The Honorable James M. Moody, United States District Judge for the Eastern District of Arkansas.

4B1.2(a) (defining “crime of violence”). As McFarlin acknowledges, we have repeatedly held that commercial burglary is a “crime of violence” within the meaning of section 4B1.2. See United States v. Bell, 445 F.3d 1086, 1087-88 (8th Cir. 2006); United States v. Blahowski, 324 F.3d 592, 595 (8th Cir. 2003).

Accordingly, we affirm.
