

[PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 09-15335
Non-Argument Calendar

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT DECEMBER 30, 2010 JOHN LEY CLERK
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D. C. Docket No. 09-80015-CR-DMM

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ANTHONY NIX,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Florida

(December 30, 2010)

Before TJOFLAT, EDMONDSON and BLACK, Circuit Judges.

PER CURIAM:

Anthony Nix pled guilty to possession of a firearm by a convicted felon, in

violation of 18 U.S.C. § 922(g)(1), and the district court sentenced him as an armed career criminal to prison for 180 months, the minimum sentence permitted by statute, the Armed Career Criminal Act, 18 U.S.C. § 924(e).¹ He now appeals his sentence, arguing that two of the three convictions the district court used to qualify him an armed career offender do not qualify as violent felonies under the § 924(e): (1) resisting an arresting officer with violence, in violation of Fla. Stat. § 843.01, and (2) fleeing and eluding at high speed, in violation of Fla. Stat. § 316.1935(3).

We reject Nix's challenge to the § 843.01 conviction, holding that a such conviction constitutes a violent felony under 18 U.S.C. § 924(e)(2)(B)(ii). This is the same holding we recently reached in *United States v. Hayes*, 2010 WL 3489973 (September 8, 2010). Although the *Hayes* decision was not published, we are persuaded by its rationale regarding § 843.01 and therefore adopt its holding. Nix's challenge to the § 316.1935(3) conviction is foreclosed by *United States v. Harris*, 586 F.3d 1283 (11th Cir. 2009), which we are bound to follow.

AFFIRMED.

¹ The sentencing range prescribed by the Sentencing Guidelines was 168-210 months' imprisonment.