

[DO NOT PUBLISH]

In the
United States Court of Appeals
For the Eleventh Circuit

No. 21-13302

Non-Argument Calendar

CHARLES MOODY,

Petitioner-Appellant,

versus

UNITED STATES OF AMERICA,

Respondent-Appellee.

Appeal from the United States District Court
for the Southern District of Florida
D.C. Docket No. 1:16-cv-21649-DMM

Before ROSENBAUM, NEWSOM, and GRANT, Circuit Judges.

PER CURIAM:

Charles Moody, a federal prisoner, appeals the denial of his 28 U.S.C. § 2255 motion to vacate his sentence that was enhanced under the Armed Career Criminal Act (“ACCA”), 18 U.S.C. § 924(e). We granted a certificate of appealability (“COA”) to review whether *Johnson v. United States*, 576 U.S. 591 (2015), rendered Moody’s ACCA-enhanced sentence unconstitutional. The district court found that, even after *Johnson* and more recent legal developments, Moody still has at least three prior convictions that qualify for the enhancement. But the district court did not apply our decision in *Beeman v. United States*, 871 F.3d 1215 (11th Cir. 2017), which established what a movant needed to show to succeed on a *Johnson* claim in a § 2255 motion. Because *Beeman* calls for a factual inquiry into the basis for the original sentence, about which the court has made no findings, we vacate and remand for the district court to apply *Beeman* in the first instance.

VACATED AND REMANDED.