

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

United States Court of Appeals  
Fifth Circuit

**FILED**

April 21, 2011

Lyle W. Cayce  
Clerk

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No. 10-30812  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

ANTHONY A. WILLIAMS,

Defendant-Appellant

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Appeal from the United States District Court  
for the Western District of Louisiana  
USDC No. 5:10-CR-94-1

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Before HIGGINBOTHAM, SMITH, and HAYNES, Circuit Judges

PER CURIAM:\*

Anthony A. Williams appeals the sentence imposed following his guilty-plea conviction for possession of a firearm by a convicted felon in violation of 18 U.S.C. §§ 922(g)(1) & 924(e). Williams contends that his two 1990 Texas convictions for delivery of less than 28 grams of amphetamine were not “serious drug offenses” for purposes of the Armed Career Criminal Act because the Government failed to prove that these convictions were for a state offense that, at the time of Williams’s federal sentencing, was punishable by a statutory

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

No. 10-30812

maximum term of imprisonment of 10 years or more at the time of his federal sentencing. *See* § 924(e)(2)(A)(ii). But it is undisputed that Williams's convictions were for a state offense that, at the time Williams committed and was convicted of it, was punishable by a statutory maximum term of imprisonment of 10 years or more. Williams concedes that his argument is thus foreclosed by *United States v. Hinojosa*, 349 F.3d 200 (5th Cir. 2003). He challenges *Hinojosa* as wrongly decided and seeks to preserve that challenge for further review. One panel of this court may not overrule the decision of a prior panel in the absence of en banc consideration or a superseding Supreme Court decision. *See United States v. Lipscomb*, 299 F.3d 303, 313 n.34 (5th Cir. 2002). Accordingly, the district court's judgment is AFFIRMED, the Government's motion for summary affirmance is GRANTED, and the Government's alternative motion for an extension of time to file its brief is DENIED as moot.