

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

No. 14-51309
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

August 24, 2017

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

ALLAN HAWLEY,

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 1:13-CV-1034

Before REAVLEY, PRADO, and GRAVES, Circuit Judges.

PER CURIAM:*

Allan Hawley, federal prisoner # 60662-080, appeals the dismissal of his 28 U.S.C. § 2255 motion, which alleged that the district court erred in sentencing him under the Armed Career Criminal Act (ACCA), 18 U.S.C. § 924(e). On October 27, 2016, the district court found that the application of the ACCA to Hawley was invalidated by *Johnson v. United States*, 135 S. Ct. 2551 (2015). The district court vacated the 240-month sentence under the

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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ACCA and resentenced Hawley to 120 months in prison. Because the district court vacated the sentence from which Hawley seeks relief under § 2255, this appeal does not present a live controversy and is moot. *See Rocky v. King*, 900 F.2d 864, 867 (5th Cir. 1990). Accordingly, the appeal is DISMISSED as MOOT.