

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

United States Court of Appeals
Fifth Circuit

FILED

February 10, 2011

Lyle W. Cayce
Clerk

No. 10-10536
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

RICHARD RAY HARRIMON,

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 7:07-CR-17-1

Before REAVLEY, DENNIS, and CLEMENT, Circuit Judges.

PER CURIAM:*

On appeal, Richard Ray Harrimon argues that the district court erred in finding that his prior convictions for evading arrest by vehicle were qualifying violent felonies under the Armed Career Criminal Act. However, he correctly concedes that this argument is foreclosed under the law of the case doctrine and that he raises the issue only to preserve it for further review. *See United States v. Agofsky*, 516 F.3d 280, 283 (5th Cir. 2008). Thus, the Government's motion for summary affirmance is GRANTED, and the judgment of the district court is

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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AFFIRMED. The Government's alternative motions to dismiss the appeal and for an extension of time to file a brief are DENIED.