

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

October 20, 2021

Lyle W. Cayce
Clerk

No. 21-60318
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

DEONTE TERRELL PROCTOR,

Defendant—Appellant.

Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. 3:17-CR-141-1

Before WIENER, DENNIS, and HAYNES, *Circuit Judges.*

PER CURIAM:*

Deonte Terrell Proctor appeals the sentence imposed following his conviction for possession of a firearm by a felon, in violation of 18 U.S.C. § 922(g). The district court sentenced Proctor under the Armed Career Criminal Act (ACCA), 18 U.S.C. § 924(e)(1), based on his three state

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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convictions for selling cocaine committed on April 8, 2009, April 14, 2009, and April 20, 2009.

On appeal, Proctor argues that the district court erred in sentencing him under the ACCA. Our review is de novo. *United States v. McGee*, 460 F.3d 667, 668 (5th Cir. 2006). In the alternative, Proctor requests a stay of his appeal until *United States v. Wooden*, 945 F.3d 498 (6th Cir. 2019), *cert. granted*, 141 S. Ct. 1370 (2021), is decided by the United States Supreme Court.

Proctor's three prior state drug convictions were for offenses that were committed sequentially, not simultaneously, and, thus were offenses "committed on occasions different from one another" as required by the ACCA. § 924(e)(1); *see United States v. Fuller*, 453 F.3d 274, 278 (5th Cir. 2006); *see also United States v. White*, 465 F.3d 250, 253 (5th Cir. 2006); *United States v. Barr*, 130 F.3d 711, 712 (5th Cir. 1997); *United States v. Kelley*, 981 F.2d 1464, 1473-74 (5th Cir. 1993). The fact that Proctor was convicted of and sentenced to these three separate offenses on the same day does not change this conclusion. *See United States v. Ressler*, 54 F.3d 257, 259 (5th Cir. 1995) (28 U.S.C. § 2255 case citing *United States v. Herbert*, 860 F.2d 620, 622 (5th Cir. 1988)).

The district court's judgment is AFFIRMED. Proctor's motion to stay his appeal is DENIED.