

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

November 8, 2018
ACO-011

No. 17-3672

UNITED STATES OF AMERICA

v.

TYREE MANSELL,
Appellant

(E.D. Pa. No. 2-16-cr-00258-001)

Present: MCKEE, SHWARTZ, and BIBAS, Circuit Judges

1. Motion by Appellee for Summary Affirmance and to be Excused from Filing a Brief.

Respectfully,
Clerk/kr

ORDER

Appellant Tyree Mansell raises two issues on appeal. First, he claims that Hobbs Act robbery is not a crime of violence. Second, he asserts that the Sixth Amendment prohibits a sentencing judge from considering acquitted conduct to increase the sentencing guideline range. He acknowledges that this Court has already rejected both of these arguments in precedential opinions. *See United States v. Robinson*, 844 F.3d 137 (3d Cir. 2016); *United States v. Galati*, 844 F.3d 152 (3d Cir. 2016); *see also United States v. Gjeli*, 867 F.3d, 418, 424 (3d Cir. 2017); *United States v. Ciavarella*, 716 F.3d 705, 735-36 (3d Cir. 2013); *United States v. Grier*, 475 F.3d 556, 562 (3d Cir. 2007). Mansell raises these issues solely “for the purposes of further review by the *en banc* Court and/or the Supreme Court.” Br. for Appellant. 20–21. “[T]he holding of a panel in a precedential decision is binding on subsequent panels.” 3d Cir. I.O.P. 9.1. As Mansell acknowledges, we have already decided the issues that he raises. Accordingly, and for the reasons set forth in the above opinions, the Government’s motions to be excused from filing a brief and for summary affirmance are hereby **GRANTED**.

By the Court,

s/ Theodore A. McKee
Circuit Judge

Dated: February 7, 2019

kr/cc: Seth M. Schlessinger, Esq.
Richard Coughlin, Esq.



Teste: *Patricia A. Dwyer, Clerk*
Clerk, U.S. Court of Appeals for the Third Circuit