

UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

Christopher Mitchell v. United States

No. 20-6031, United States Court of Appeals for the Sixth Circuit (August 5, 2022)

SUMMARY

The Sixth Circuit held that a district court lacks discretion to resentence a prisoner de novo after vacating an earlier order granting § 2255 relief and denying the motion; instead, the court must reinstate the original sentence. The court also declined to expand the certificate of appealability, finding that Mitchell’s Sixth Amendment challenge to the use of Shepard documents for the ACCA “different occasions” inquiry was procedurally defaulted and meritless. Key topics: § 2255 postconviction relief, ACCA career offender designation, Tennessee aggravated burglary as violent felony, reinstatement of sentence, procedural default, and certificate of appealability standards.

CASE DETAILS

COURT	United States Court of Appeals for the Sixth Circuit
WRITING FOR THE COURT	Chad A. Readler; McKeague; Griffin; Readler
JURISDICTION	Federal
DECIDED	August 5, 2022
DOCKET	20-6031
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the denial of a 28 U.S.C. § 2255 motion and reinstatement of original sentence.
STANDARD OF REVIEW	De novo for legal issues regarding § 2255 relief and procedural default.
PRECEDENTIAL VALUE	Published
PARTIES	Christopher Alan Mitchell v. United States of America

TOPICS

- criminal procedure
- habeas corpus
- sentencing
- sixth amendment
- appellate procedure

PRACTICE AREAS

- Criminal Law
- Postconviction Relief

QUESTIONS PRESENTED

1. Whether the district court had discretion to resentence Mitchell after denying his § 2255 motion.
2. Whether to expand the certificate of appealability to include a Sixth Amendment claim regarding the use of Shepard documents to determine that prior offenses occurred on different occasions.

HOLDINGS

1. After finding Mitchell ineligible for § 2255 relief, the district court was required to reinstate his original sentence and lacked discretion to resentence him.
2. Mitchell's Sixth Amendment claim is procedurally defaulted because he failed to raise it on direct appeal and cannot establish cause to excuse the default. Additionally, the claim lacks merit. Therefore, no certificate of appealability should issue.

KEY QUOTATIONS

“After finding Mitchell ineligible for § 2255 relief, the court was required to reinstate his original sentence.”
(Page 4)

“A district court does not enjoy ‘inherent authority . . . to modify an otherwise valid sentence.’” (Page 5)

“cause exists if a claim ‘is so novel that its legal basis [was] not reasonably available to counsel’ during the original proceedings.” (Page 8)

FACTUAL BACKGROUND

Mitchell pleaded guilty to being a felon in possession of a firearm in violation of 18 U.S.C. § 922(g). He had three prior convictions: two for Tennessee aggravated burglary and one for Class D Tennessee burglary. Under then-controlling Sixth Circuit precedent, these were violent felonies under the Armed Career Criminal Act, so the district court sentenced Mitchell to the 15-year mandatory minimum. Mitchell did not appeal. Several years later, he moved to vacate his sentence under 28 U.S.C. § 2255, arguing that his aggravated burglary convictions were not violent felonies after the en banc decision in *Stitt I*. The district court agreed and vacated the sentence, but before resentencing, the Supreme Court reversed *Stitt I* in *Stitt II*, and this circuit held that Nance was again the law. The district court then vacated its order granting relief, denied the § 2255 motion, and reinstated the original sentence.

PROCEDURAL HISTORY

Mitchell moved to vacate his sentence under § 2255, arguing that his prior convictions for Tennessee aggravated burglary were not violent felonies under the Armed Career Criminal Act. The district court initially granted the motion and vacated the sentence, but before resentencing was completed, the Supreme Court reversed *Stitt I* in *Stitt II*, and this circuit held in *Brumbach* that Tennessee aggravated burglary is again a violent felony. The district court then vacated its order granting relief, denied the § 2255 motion, and reinstated the original sentence. Mitchell appealed.

DISPOSITION

affirmed

CASES CITED

- United States v. Nance, 481 F.3d 882 (6th Cir. 2007)
- United States v. Ferguson, 868 F.3d 514 (6th Cir. 2017)
- United States v. Stitt (Stitt I), 860 F.3d 854 (6th Cir. 2017) (en banc)
- United States v. Stitt (Stitt II), 139 S. Ct. 399 (2018)
- Brumbach v. United States, 929 F.3d 791 (6th Cir. 2019)
- Braden v. United States, 817 F.3d 926 (6th Cir. 2016)
- Ajan v. United States, 731 F.3d 629 (6th Cir. 2013)
- Snider v. United States, 908 F.3d 183 (6th Cir. 2018)
- United States v. Washington, 584 F.3d 693 (6th Cir. 2009)
- United States v. Pettiford, 612 F.3d 270 (4th Cir. 2010)
- United States v. Tigue, 811 F. App'x 970 (6th Cir. 2020)
- United States v. Brown, 957 F.3d 679 (6th Cir. 2020)
- Gilliam v. United States, 804 F. App'x 387 (6th Cir. 2020)
- United States v. Morris, 812 F. App'x 341 (6th Cir. 2020)
- United States v. O'Dell, 813 F. App'x 180 (6th Cir. 2020)
- United States v. McClurg, 811 F. App'x 945 (6th Cir. 2020)
- Booker v. United States, 810 F. App'x 443 (6th Cir. 2020)
- United States v. Bateman, 780 F. App'x 355 (6th Cir. 2019)
- Greer v. United States, 780 F. App'x 352 (6th Cir. 2019)
- United States v. Crutchfield, 785 F. App'x 321 (6th Cir. 2019)
- United States v. Bawgus, 782 F. App'x 408 (6th Cir. 2019)
- Bell v. United States, 773 F. App'x 832 (6th Cir. 2019)
- United States v. Doyle, 631 F.3d 815 (6th Cir. 2011)
- Shabazz v. United States, 912 F.3d 73 (2d Cir. 2019)
- United States v. Lawrence, 555 F.3d 254 (6th Cir. 2009)
- Andrews v. United States, 373 U.S. 334 (1963)
- In re Saffady, 524 F.3d 799 (6th Cir. 2008)
- Kitts v. United States, 812 F. App'x 336 (6th Cir. 2020)
- Dillard v. United States, 768 F. App'x 480 (6th Cir. 2019)
- Shepard v. United States, 544 U.S. 13 (2005)
- Moody v. United States, 958 F.3d 485 (6th Cir. 2020)
- Slack v. McDaniel, 529 U.S. 473 (2000)
- Buck v. Davis, 137 S. Ct. 759 (2017)

- Massaro v. United States, 538 U.S. 500 (2003)
- Gatewood v. United States, 979 F.3d 391 (6th Cir. 2020)
- Bousley v. United States, 523 U.S. 614 (1998)
- Apprendi v. New Jersey, 530 U.S. 466 (2000)
- Nijhawan v. Holder, 557 U.S. 29 (2009)
- United States v. Hayes, 555 U.S. 415 (2009)
- United States v. Hill, 440 F.3d 292 (6th Cir. 2006)
- United States v. Humphries, 308 F. App'x 892 (6th Cir. 2009)
- Descamps v. United States, 570 U.S. 254 (2013)
- Thomas More L. Ctr. v. Obama, 651 F.3d 529 (6th Cir. 2011)
- Wright v. Spaulding, 939 F.3d 695 (6th Cir. 2019)
- Cvijetinovic v. Eberlin, 617 F.3d 833 (6th Cir. 2010)
- Wooden v. United States, 142 S. Ct. 1063 (2022)
- United States v. Belcher, --- F.4th ---, 2022 WL 2682106 (6th Cir. 2022)
- United States v. Hennessee, 932 F.3d 437 (6th Cir. 2019)
- Hamilton v. Sec'y, Fla. Dep't of Corr., 793 F.3d 1261 (11th Cir. 2015)
- Phillip v. United States, 229 F.3d 550 (6th Cir. 2000)
- Hilliard v. United States, 157 F.3d 444 (6th Cir. 1998)
- United States v. King, 272 F.3d 366 (6th Cir. 2001)
- Wingate v. United States, 969 F.3d 251 (6th Cir. 2020)
- Bullard v. United States, 937 F.3d 654 (6th Cir. 2019)