

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAY 30 2017

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

No. 16-35855

Plaintiff-Appellee,

D.C. Nos. 2:16-cv-00161-JLQ

2:10-cr-0025-JLQ

v.

WILLIAM BACON,

MEMORANDUM *

Defendant-Appellant.

Appeal from the United States District Court
for the Eastern District of Washington
Justin L. Quackenbush, District Judge, Presiding

Submitted May 24, 2017**

Before: THOMAS, Chief Judge, and SILVERMAN and RAWLINSON,
Circuit Judges.

William Bacon appeals from the district court's order denying his motion to vacate his sentence pursuant to 28 U.S.C. § 2255. We have jurisdiction under 28 U.S.C. § 2253, and we affirm.

As Bacon concedes, all of his arguments on the three certified issues in this

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

appeal are foreclosed. *See Beckles v. United States*, 137 S. Ct. 886, 895 (2017) (holding that “the advisory Sentencing Guidelines are not subject to a vagueness challenge under the Due Process Clause and that [U.S.S.G.] § 4B1.2(a)’s residual clause is not void for vagueness”).

Bacon’s motion to expand the certificate of appealability is denied. *See* 9th Cir. R. 22-1(e); *Hiivala v. Wood*, 195 F.3d 1098, 1104-05 (9th Cir. 1999).

AFFIRMED.