

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

**UNITED STATES OF AMERICA,** )  
 )  
 **Plaintiff,** )  
 )  
 v. )  
 )  
 **JEROME M. BROWN,** )  
 )  
 **Defendant.** )  
 \_\_\_\_\_ )

**Case No. 11-20021-CM-02  
16-2410-CM**

**MEMORANDUM AND ORDER**

Petitioner Jerome M. Brown filed a Motion to Vacate Sentence under 28 U.S.C. § 2255, arguing that the underlying crime on which his conviction was based—Hobbs Act robbery—is no longer considered a crime of violence under *Johnson v. United States*, 135 S. Ct. 2551 (2015). (Doc. 123.) But on January 15, 2019, the Supreme Court decided *Stokeling v. United States*, 139 S. Ct. 544, 554–55 (2019). *Stokeling* resolved the issue against petitioner.

Petitioner concedes that *Stokeling* means he is not entitled to relief. (Doc. 156, at 1.) He further concedes that dismissal of his § 2255 motion is warranted. (*Id.* at 2.) The court therefore dismisses petitioner’s § 2555 motion because *Stokeling* precludes his argument that Hobbs Act robbery is no longer considered a crime of violence. Also, the court declines to issue a certificate of appealability because no reasonable jurist would find the court’s assessment of petitioner’s constitutional claims debatable or wrong. *See Tennard v. Dretke*, 542 U.S. 274, 282 (2004).

**IT IS THEREFORE ORDERED BY THE COURT** that petitioner’s Motion to Vacate Sentence (Doc. 123) is dismissed.

**IT IS FURTHER ORDERED** that no certificate of appealability shall issue.

Dated this 5th day of March, 2019, at Kansas City, Kansas.

**s/ Carlos Murguia**  
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**CARLOS MURGUIA**  
**United States District Judge**