

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 06-3865

United States of America,

Appellee,

v.

Kevin Scott Miller,

Appellant.

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Appeal from the United States
District Court for the
Eastern District of Missouri.

[UNPUBLISHED]

Submitted: October 19, 2007
Filed: November 1, 2007

Before BYE, RILEY, and MELLOY, Circuit Judges.

PER CURIAM.

Kevin Scott Miller appeals the 77-month prison sentence the district court¹ imposed after he pleaded guilty to being a felon in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1). He argues only that his prior conviction for driving while intoxicated should not be considered a crime of violence within the meaning of U.S.S.G. § 2K2.1(a). Acknowledging this court's previous holding to the contrary, see United States v. Wells, 469 F.3d 716, 720-21 (8th Cir. 2006), Miller asks us to

¹The Honorable Jean C. Hamilton, United States District Judge for the Eastern District of Missouri.

overrule that precedent. This we cannot do. See United States v. Wright, 22 F.3d 787, 788 (8th Cir. 1994) (panel of this court is bound by prior Eighth Circuit decision unless prior decision is overruled by this court sitting en banc). Accordingly, we affirm.
