

September 7, 2006

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 05-11053
Summary Calendar

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

DONOVAN LEMONT BOOKMAN

Defendant - Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:05-CR-15-ALL

Before KING, HIGGINBOTHAM and GARZA, Circuit Judges.*

PER CURIAM:

Donovan Lemont Bookman appeals the 180-month sentence imposed following his guilty-plea conviction for being a felon in possession of a firearm, in violation of 21 U.S.C. § 922(g). Bookman renews his argument that the district court's application of the Armed Career Criminal Act (ACCA), 18 U.S.C. § 924(e), was error because the Government did not prove that his prior burglary-of-a-habitation convictions occurred on different occasions with appropriate documentation, citing Shepard v.

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

United States, 544 U.S. 13 (2005). The Government concedes the error.

We agree that, because the record does not disclose that the sequence of Bookman's prior convictions was established by Shepard-appropriate material, the ACCA enhancement was error. See United States v. Fuller, 453 F.3d 274, 279-80 (5th Cir. 2006). Accordingly, the district court 's judgment is VACATED, and the case is REMANDED for resentencing. Because we remand for resentencing on the Shepard violation, we do not address the remainder of Bookman's arguments.

JUDGMENT VACATED; REMANDED FOR RESENTENCING.