United States Court of Appeals for the Fifth Circuit

United States Court of Appeals
Fifth Circuit
FILED
November 25, 2026
Thomas B. Plunkett, III
Clerk

No. 25-30641

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

WILLIE WOOLRIDGE,

Defendant—Appellant.

Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 2:23-CR-252-1

Before CLEMENT, OLDHAM, and DOUGLAS, *Circuit Judges*.

PER CURIAM:

Willie Woolridge appeals his 125-month sentence for possessing a firearm as a felon. He argues that the district court erred in treating his prior Louisiana aggravated-battery conviction as a "crime of violence" under the Sentencing Guidelines. But Woolridge does not—and could not—contest that he failed to satisfy the actual-case requirement. Therefore, we affirm.

I

Willie Woolridge has a lengthy criminal history.

In 2009, he shot a 47-year-old man multiple times outside of his home. The victim later died from his injuries. Woolridge pleaded guilty to manslaughter and received a ten-year sentence.

While serving time for the charge of manslaughter, he and two other prisoners cornered another inmate and brutally beat him. Woolridge pleaded guilty to aggravated battery.

Woolridge's time in prison did little to curb his conduct. At one point, Woolridge threatened to have a group of prison guards "shot in the head when they le[ft] the courthouse," and he assured the guards that he was a "killer."

Woolridge did not turn over a new leaf upon his release. While out on parole, Woolridge was arrested for possessing a firearm as a felon and for possessing heroin and ecstasy.

Woolridge's penchant for criminal activity led to the most recent charges brought against him in 2023. In April 2023, he fled from a police officer who suspected him of driving a stolen vehicle. When the officer caught up with Woolridge, Woolridge did not relent. Woolridge wrestled with the officer before reaching in his waistband for a loaded handgun. Fortunately, the officer wrenched the gun from his hand and restrained him. Woolridge's handgun turned out to be stolen. So did the car, in which police found heroin.

In September 2023, police found Woolridge in another stolen car. He was out on bond at the time. Woolridge was holding a semi-automatic firearm on his lap and an AR-15-style rifle beneath his feet. Woolridge again fled from police, but this time by car. Before Woolridge could get away, the officer threw himself into the moving vehicle. Woolridge kept driving. He crashed into another car and trapped the officer's foot in the passenger-side door. The officer nonetheless managed to gain control of the car and other officers

helped apprehend Woolridge. Police found cocaine and methamphetamine in the car.

Based on Woolridge's status as a previously convicted felon, a grand jury indicted him for two counts of unlawful possession of a firearm. He pleaded guilty to both counts.

In the Presentence Investigation Report ("PSR"), Woolridge's probation officer concluded that Woolridge had been previously convicted of two felonies (manslaughter and aggravated battery) that qualified as crimes of violence. Woolridge objected to the PSR. As relevant here, he argued that (1) Louisiana manslaughter is not a crime of violence because it does not require the "use of force," and (2) Louisiana aggravated battery is not a crime of violence because it is a general intent crime that may be committed recklessly or negligently.

After hearing Woolridge's objections, the probation officer dropped the manslaughter conviction as a crime of violence. The probation officer insisted, however, that aggravated battery was a crime of violence. At sentencing, the district court considered the issue and overruled Woolridge's objection. The court then sentenced Woolridge to 125 months in prison and three years of supervised release.

Woolridge timely appealed. On appeal, Woolridge raises two issues. He urges us not to apply the "actual case requirement" because it is inconsistent with *United States v. Justin Taylor*, 596 U.S. 845 (2022) and the so-called "categorical approach." He also argues that Louisiana's aggravated battery statute is not a crime of violence. Our review is *de novo*. *United States v. Abrego*, 997 F.3d 309, 312 (5th Cir. 2021).

II

We (A) explain that Woolridge cannot avoid the Sentencing Guidelines' elements clause and its sentencing enhancement. Then we (B) reject Woolridge's counterarguments.

A

We begin with the relevant text. Section 2K2.1(a)(4) of the Sentencing Guidelines increases a defendant's base offense level to 20 if, prior to committing the current offense, the defendant "sustain[ed] one felony conviction of . . . a crime of violence." Section 4B1.2(a)(1) defines a "crime of violence" to include an offense punishable by more than a year in prison that "has as an element the use, attempted use, or threatened use of physical force against the person of another." This provision is known as the "elements clause."

In *Borden v. United States*, the Supreme Court held that the phrase "use of physical force against the person of another" requires the use of force to be directed at another person and excludes reckless conduct. 593 U.S. 420, 429 (2021). Although *Borden* interpreted the elements clause of the Armed Career Criminal Act ("ACCA"), that provision shares "identical operative language" with § 4B1.2(a)(1). *United States v. Garner*, 28 F.4th 678, 682 (5th Cir. 2022) (per curiam). We therefore apply ACCA precedent in interpreting the Guidelines provision. *Ibid.*

To determine whether a prior conviction satisfies the elements clause, we must apply the categorical approach. *Borden*, 593 U.S. at 424. That is, we must ask whether the underlying state offense *categorically* requires the intentional use of force as required by the federal elements clause. *See ibid.* Federal courts generally and our court specifically have spilled much ink describing the categorical approach, its requirements and exceptions, and its often counterintuitive results. *See, e.g.*, *United States v. Augillard*, 187 F.4th

352, 352–56 (5th Cir. 2026) (en banc) (OLDHAM, J., concurring in the denial of rehearing en banc); *id.* at 357, 362 (ELROD, C.J., dissenting from the denial of rehearing en banc).

The actual-case requirement is an important part of the categorical approach. *See Gonzales v. Duenas-Alvarez*, 549 U.S. 183, 193 (2007). A defendant can avoid the federal elements clause (and its sentencing enhancement) for his previous conviction under State Law X. But to do so, the defendant bears the burden of pointing to an *actual case* in which State X prosecuted a defendant under State Law X for conduct that did not involve the intentional use of force against another. *Ibid.* The actual-case requirement prevents defendants from avoiding the federal elements clause (and its sentencing enhancement) based on "the application of legal imagination to a state statute's language." *Ibid.*; *see also Moncrieffe v. Holder*, 569 U.S. 184, 191 (2013); *Augillard*, 187 F.4th at 353–55 (OLDHAM, J., concurring in the denial of rehearing en banc).

Our en banc court faithfully applied *Duenas-Alvarez*'s actual-case rule in *United States v. Castillo-Rivera*, 853 F.3d 218 (5th Cir. 2017) (en banc). There, the defendant argued that he need not identify an actual case because the state statute was broader than the federal definition on its face. *Id.* at 223. We rejected that argument, holding that "[t]here is no exception to the actual case requirement articulated in *Duenas-Alvarez* where a court concludes a state statute is broader on its face." *Ibid.* So even if a state offense appears to sweep more broadly than its federal counterpart, the defendant must identify an actual case in which the State applied its statute to conduct outside of the federal definition.

Duenas-Alvarez and *Castillo-Rivera* control this case. Woolridge must point to an actual case to establish a realistic probability that Louisiana permits an aggravated-battery conviction based on recklessness or

negligence. *See Duenas-Alvarez*, 549 U.S. at 193; *Castillo-Rivera*, 853 F.3d at 223. Woolridge identifies none. That dooms his challenge.

B

Woolridge offers three counterarguments. None is persuasive.

First, Woolridge argues that the Supreme Court overturned the actual-case requirement in *Justin Taylor*. He also contends that requiring an actual case is inconsistent with the litigation-by-imagination that defines the categorical approach more generally. A panel of our court rejected these contentions in *Augillard*, and we denied rehearing en banc. *See Augillard*, 187 F.4th at 352 (mem.); *id.* at 352–57 (OLDHAM, J., concurring in the denial of rehearing en banc). That forecloses Wooldridge's first argument.

Second, Woolridge argues that Louisiana's aggravated-battery statute is facially broader than the Sentencing Guidelines' elements clause. This contention relies on three provisions of Louisiana law:

> (1) Battery is defined in relevant part as "the *intentional* use of force or violence upon the person of another." LA. REV. STAT. § 14:33 (emphasis added).
>
> (2) Aggravated battery as "a battery committed with a dangerous weapon." *Id.* § 14:34(A).
>
> (3) Second-degree-battery is "a battery when the offender *intentionally* inflicts serious bodily injury." *Id.* § 14:34.1 (emphasis added).

Reading these provisions *in pari materia*, Woolridge reasons that (1) and (3) require specific intent, but his aggravated-battery offense (2) does not.

Woolridge need not perform these statutory gymnastics. It is undisputed that aggravated battery does not require specific intent under Louisiana law and instead only requires general intent. *State v. Howard*, 638

So. 2d 216, 217 (La. 1994). But that does not exempt Woolridge from the actual-case requirement and, in any event, this is precisely the sort of litigation-by-imagination that the actual-case rule prohibits. *See Castillo-Rivera*, 853 F.3d at 223. Woolridge does not point to an actual case in which Louisiana prosecuted someone for reckless or negligent aggravated battery. So his second argument fails.

Third and finally, Woolridge relies on *United States v. Garner*, 28 F.4th 678 (5th Cir. 2022), to argue that general-intent crimes under Louisiana law such as aggravated battery do not satisfy the elements clause. *Garner* relied on *Borden* to hold that Louisiana's aggravated assault with a firearm statute, LA. REV. STAT. § 14:37.4, did not qualify as a "crime of violence" because it was a general intent crime that, as interpreted by Louisiana courts, may be committed with reckless or negligent intent. 28 F.4th at 680–84. Woolridge reasons that Louisiana aggravated battery cannot satisfy the elements clause because it likewise requires only general intent and therefore may be committed recklessly or negligently.

But we have already declined to extend *Garner* that far. *United States v. Lanaute*, 169 F.4th 641, 644–45 (5th Cir. 2026); *United States v. King*, 155 F.4th 341, 346 (5th Cir. 2025). *Garner* establishes that one particular Louisiana general-intent offense—aggravated assault with a firearm—may be committed recklessly or negligently. *Garner* based that holding on *actual cases* in the Louisiana appellate courts affirming convictions for negligent aggravated assault with a firearm. 28 F.4th at 682. But "many Louisiana crimes are general intent crimes," and not all can be committed with a mere reckless or negligent mental state. *Lanaute*, 169 F.4th at 644 (quotations omitted). In all events, "[w]hat is needed to settle the question is a Louisiana case upholding a conviction for the particular crime . . . based on a *mens rea* of recklessness or negligence." *Ibid.* As noted above, Woolridge identified no such aggravated-battery case. So his third contention fails, too.

* * *

AFFIRMED.