

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 99-4089

United States of America,

Appellee,

v.

Frederick Leron McKnight,

Appellant.

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Appeal from the United States
District Court for the
District of Minnesota

[UNPUBLISHED]

Submitted: December 1, 2000

Filed: December 7, 2000

Before McMILLIAN, BRIGHT, and FAGG, Circuit Judges.

PER CURIAM.

Frederick Leron McKnight challenges the sentence imposed by the District Court¹ for the District of Minnesota following remand for resentencing in United States v. McKnight, 186 F.3d 867 (8th Cir. 1999) (per curiam) (McKnight I). At resentencing, the district court sentenced McKnight to 240 months imprisonment and 10 years supervised release, based upon his prior guilty plea to a drug conspiracy charge. During the course of the resentencing hearing, the district court denied McKnight's motion to withdraw his guilty plea. Counsel has moved to withdraw on

¹The Honorable Michael J. Davis, United States District Judge for the District of Minnesota.

appeal pursuant to Anders v. California, 386 U.S. 738 (1967), arguing that the resentencing court erred in denying McKnight's motion to withdraw his guilty plea without holding an evidentiary hearing. For the reasons discussed below, we affirm the judgment of the district court.

As the district court noted at resentencing, it previously had denied McKnight's requests to withdraw his guilty plea, and in McKnight I, we rejected McKnight's contention that the district court abused its discretion in doing so. See McKnight I, 186 F.3d at 869 (finding that McKnight pleaded freely and voluntarily, and failed to present any fair and just reason for withdrawal of his plea). McKnight neither presented new evidence regarding his guilty plea, nor showed that our decision in McKnight I was manifestly unjust. Accordingly, this appeal is governed by the law-of-the-case doctrine, which prevents relitigation of a settled issue in a case and requires courts to adhere to decisions made in earlier proceedings. See United States v. Bartsh, 69 F.3d 864, 866 (8th Cir. 1995) (decision in prior appeal is followed in later proceedings unless party introduces substantially different evidence, or prior decision is clearly erroneous and works manifest injustice). In any event, we conclude, just as we did in McKnight I, that McKnight failed to present any fair and just reason for withdrawal of his plea. See United States v. Abdullah, 947 F.2d 306, 312 (8th Cir. 1991), cert. denied, 504 U.S. 921 (1992).

After review of counsel's Anders brief, along with our independent review of the record in accordance with Penson v. Ohio, 488 U.S. 75 (1988), we find no nonfrivolous issues. Accordingly, we grant counsel's motion to withdraw and affirm the judgment of the district court.

A true copy.

Attest:

U.S. COURT OF APPEALS, EIGHTH CIRCUIT.