

**United States Court of Appeals  
FOR THE EIGHTH CIRCUIT**

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No. 99-3409

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United States of America,

Appellee,

v.

Ronald Mitchell,

Appellant.

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Appeal from the United States  
District Court for the Eastern  
District of Arkansas

[UNPUBLISHED]

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Submitted: February 7, 2001

Filed: February 13, 2001

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Before McMILLIAN, BEAM, and MORRIS SHEPPARD ARNOLD, Circuit Judges.

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PER CURIAM.

Ronald Mitchell challenges the sentence imposed by the District Court<sup>1</sup> for the Eastern District of Arkansas following remand for resentencing in United States v. Mitchell, 136 F.3d 1192 (8th Cir. 1998) (Mitchell I). At resentencing, the district court sentenced Mitchell to 87 months imprisonment and 5 years supervised release for bank robbery and escape offenses. Counsel has moved to withdraw on appeal pursuant to Anders v. California, 386 U.S. 738 (1967), arguing that the federal bank robbery statute

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<sup>1</sup>The Honorable Henry Woods, United States District Judge for the Eastern District of Arkansas.

is unconstitutional and that the indictment was invalid because the grand jury transcript was not authenticated by the court reporter. Mitchell has filed a pro se supplemental brief, arguing that the indictment and the grand jury transcript were fraudulent, and that the bank he robbed was not federally insured. Mitchell also has moved (1) to supplement the record with a letter he received from the Federal Deposit Insurance Corporation (FDIC), informing him that the FDIC did not reimburse any funds to the bank he robbed because the losses were not covered; and (2) to appoint someone to investigate the grand jury proceedings and to order the Bureau of Prisons (BOP) to return his legal files. For the reasons discussed below, we affirm the judgment of the district court.

We grant Mitchell's motion to supplement the appellate record, but we conclude this appeal is governed by the law-of-the-case doctrine. See United States v. Bartsh, 69 F.3d 864, 866 (8th Cir. 1995) (preventing relitigation of settled issue in case and requiring courts to adhere to decisions made in earlier proceedings). In Mitchell I, we rejected Mitchell's argument that the government failed to prove the victim bank was federally insured, 136 F.3d at 1193, and his new evidence does not show that our decision in Mitchell I was erroneous or manifestly unjust. See United States v. Bartsh, 69 F.3d at 866 (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). Because the remaining arguments were not presented in Mitchell I, we conclude they are not properly raised here. See United States v. Kress, 58 F.3d 370, 373 (8th Cir. 1995).

After review of counsel's Anders brief, along with our independent review of the record in accordance with Penon v. Ohio, 488 U.S. 75, 80 (1988), we find no nonfrivolous issues. Accordingly, we grant counsel's motion to withdraw, deny Mitchell's remaining motion, and affirm the judgment of the district court.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.