

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 02-3711

United States of America,

Appellee,

v.

Shawn M. Smith,

Appellant.

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Appeal from the United States
District Court for the
District of Nebraska.

[UNPUBLISHED]

Submitted: May 2, 2003
Filed: May 5, 2003

Before LOKEN, Chief Judge, LAY and RILEY, Circuit Judges.

PER CURIAM.

After we remanded for resentencing in United States v. Smith, 282 F.3d 1045 (8th Cir. 2002), the district court¹ sentenced Shawn M. Smith to 121 months imprisonment to be served consecutively to his state parole-revocation sentence. Smith appeals, urging us to reconsider our previous decision interpreting U.S.S.G. § 5G1.3, comment. (n.6) to require consecutive sentences. After careful review of the record, 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) (doctrine prevents

¹The HONORABLE JOSEPH F. BATAILLON, United States District Judge for the District of Nebraska.

relitigation of settled issue in case and requires courts to adhere to decisions made in earlier proceedings). The judgment is affirmed.

A true copy.

Attest:

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