

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

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No. 05-4171

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United States of America,

Appellee,

v.

Donald Daye Storer,

Appellant.

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Appeal from the United States  
District Court for the  
Northern District of Iowa.

[UNPUBLISHED]

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Submitted: October 4, 2006

Filed: October 5, 2006

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Before WOLLMAN, BOWMAN, and COLLOTON, Circuit Judges.

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PER CURIAM.

After we remanded for resentencing in United States v. Storer, 413 F.3d 918, 920 (8th Cir. 2005) (Storer I), the District Court<sup>1</sup> sentenced Donald Daye Storer to 120 months in prison and 10 years of supervised release. Storer appeals, arguing that the District Court erred when--following our decision in Storer I--it concluded that Storer's prior state offense subjected him to a 10-year statutory minimum sentence under 18 U.S.C. § 2252A(b)(2) (2006). Storer asks us to review our decision in Storer I. After careful review of the record, we conclude that this appeal is governed by the

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<sup>1</sup>The Honorable Linda R. Reade, United States District Judge for the Northern District of Iowa.

law-of-the-case doctrine, and that Storer fails to assert any ground which would allow him to relitigate a legal question decided against him in an earlier appeal. See United States v. Bartsh, 69 F.3d 864, 866 (8th Cir. 1995) (doctrine ordinarily requires trial court to follow decision of appellate court with respect to all issues addressed by that opinion); United States v. Callaway, 972 F.2d 904, 905 (8th Cir. 1992) (per curiam) (under doctrine, appeals court will not review claim which was decided in prior appeal, unless substantially different evidence is introduced or prior decision is clearly erroneous and works manifest injustice). Accordingly, we affirm.

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