

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 06-3911

United States of America,

Appellee,

v.

Santos Fidel Portillo,

Appellant.

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

[UNPUBLISHED]

Submitted: May 7, 2008
Filed: May 27, 2008

Before MURPHY, JOHN R. GIBSON, and BENTON, Circuit Judges.

PER CURIAM.

Santos Fidel Portillo was found guilty by a jury of conspiring to distribute and distributing methamphetamine. After this court twice vacated his sentence and remanded for resentencing, the district court¹ imposed a 188-month prison sentence. On his now third appeal, Portillo argues that the district court erred in denying him the opportunity to object to the obstruction-of-justice enhancement because this court did not specifically resolve the issue in either of its remands.

¹The Honorable Robert W. Pratt, Chief Judge, United States District Court for the Southern District of Iowa.

We conclude that the district court properly refrained from considering the issue, as it could have been raised in Portillo's first appeal. See United States v. Thompson, 335 F.3d 782, 784-85 (8th Cir. 2003). Accordingly, the judgment is affirmed.
