

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 12-4252

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

WALTER LLOYD BLAIR,

Defendant - Appellant.

Appeal from the United States District Court for the District of Maryland, at Greenbelt. Peter J. Messitte, Senior District Judge. (8:08-cr-00505-PJM-1)

Submitted: January 15, 2013

Decided: January 30, 2013

Before TRAXLER, Chief Judge, and WILKINSON and WYNN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Walter Lloyd Blair, Appellant Pro Se. Rod J. Rosenstein, United States Attorney, James A. Crowell IV, Assistant United States Attorney, Greenbelt, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

A jury convicted Walter Lloyd Blair on eight counts of concealment money laundering, in violation of 18 U.S.C.A. § 1956(a)(1)(B)(i) (West 2000 & Supp. 2012) (Counts 1 through 8); one count of money laundering, in violation of 18 U.S.C.A. § 1957(a) (West 2000 & Supp. 2012) (Count 9); one count of witness tampering, in violation of 18 U.S.C. § 1512 (2006) (Count 10); one count of obstructing justice, in violation of 18 U.S.C. § 1503(a) (2006) (Count 11); one count of making a false statement, in violation of 18 U.S.C. § 1001(a)(2) (2006) (Count 12); and two counts of failing to file an income tax return, in violation of 26 U.S.C. § 7203 (2006) (Counts 13 and 14). The district court sentenced Blair to ninety-seven months' imprisonment each on Counts 1 through 11; sixty months' imprisonment on Count 12; and twelve months' imprisonment each on Counts 13 and 14, all to be served concurrently. Blair appealed his convictions on several counts. By published decision, this court reversed Count 11, the obstruction of justice conviction, affirmed the other challenged convictions, and remanded "for resentencing in light of this decision." United States v. Blair, 661 F.3d 755, 775 (4th Cir. 2011), cert. denied, 132 S. Ct. 2740 (2012).

On remand, the district court reimposed the same sentence on the surviving counts. Blair appeals, challenging

his convictions and sentence. However, absent circumstances not present here, the mandate rule precludes "relitigation of issues expressly or impliedly decided by the appellate court," and "litigation of issues decided by the district court but foregone on appeal." United States v. Bell, 5 F.3d 64, 66 (4th Cir. 1993); see United States v. Pileggi, ___ F.3d ___, ___, 2013 WL 14305, at *4 (4th Cir. Jan. 2, 2013) (providing exceptions to mandate rule). We have reviewed Blair's arguments on appeal and conclude that all of his challenges to his convictions and the majority of his sentencing issues are foreclosed by the mandate rule.

To the extent that Blair's challenges to the adjustments under U.S. Sentencing Guidelines §§ 3B1.3 & 3C1.1 (2009) are not foreclosed by the mandate rule and are otherwise properly before this court, we find no clear error in the application of those adjustments. United States v. Alvarado Perez, 609 F.3d 609, 612 (4th Cir. 2010) (providing standard). Accordingly, we affirm the judgment. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED