

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

October 20, 2009

No. 09-10216
Conference Calendar

Charles R. Fulbruge III
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

BILLY WALLACE,

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:07-CR-39-2

Before WIENER, BENAVIDES, and STEWART, Circuit Judges.

PER CURIAM:*

Appealing the judgment in a criminal case following a remand for resentencing, Billy Wallace raises arguments that are foreclosed by the law of the case doctrine. *See United States v. Matthews*, 312 F.3d 652, 657 (5th Cir. 2002) (holding that under the law of the case doctrine, an issue of fact or law decided on appeal may not be reexamined by the appellate court on a subsequent appeal). Even if we were to consider his arguments on the merits, they are

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

foreclosed by *United States v. Mitchell*, 484 F.3d 762, 776 (5th Cir. 2007), in which we held that there is no right under the Confrontation Clause at sentencing. The Government's motion for summary affirmance is GRANTED, and the judgment of the district court is AFFIRMED.