

United States Court of Appeals
For the Eighth Circuit

No. 13-1624

United States of America

Plaintiff - Appellee

v.

Bobby Lynn Springston

Defendant - Appellant

Appeal from United States District Court
for the Western District of Arkansas - Harrison

Submitted: September 23, 2013

Filed: October 16, 2013

[Unpublished]

Before LOKEN, COLLOTON, and BENTON, Circuit Judges.

PER CURIAM.

In 2009, Bobby Lynn Springston was charged with violating 18 U.S.C. § 2250 by failing to register as a sex offender pursuant to the Sex Offender Registration and Notification Act (SORNA). Springston moved to dismiss the indictment arguing that

SORNA violated the non-delegation doctrine. The district court¹ denied the motion. Springston appealed. This court affirmed the conviction. *United States v. Springston*, 650 F.3d 1153, 1157 (8th Cir. 2011). The decision in *Reynolds v. United States*, 132 S. Ct. 975, 984 (2012) necessitated a remand for consideration of the non-delegation issue. *United States v. Springston*, 480 Fed. Appx. 860, 861 (8th Cir. 2012). The district court denied the motion to dismiss, upholding SORNA's constitutionality.

On appeal, Springston again asserts that 42 U.S.C. § 16913(d) violates the non-delegation doctrine. While this appeal was pending, this court upheld the delegation in 42 U.S.C. § 16913(d) because Congress set forth an intelligible principle guiding the Attorney General's exercise of authority. *United States v. Kuehl*, 706 F.3d 917, 920 (8th Cir. 2013). *See Mistretta v. United States*, 488 U.S. 361, 372 (1989) (Congress may delegate legislative authority to another body, provided a legislative act sets an intelligible principle for the exercise of the granted authority to which the authorized body must conform). The *Kuehl* case resolves Springston's appeal.

The judgment of the district court is affirmed.

¹The Honorable Jimm Larry Hendren, United States District Judge for the Western District of Arkansas.