

United States Court of Appeals  
For the Eighth Circuit

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No. 18-1698

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United States of America

*Plaintiff - Appellee*

v.

Norman Eugene Reed

*Defendant - Appellant*

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Appeal from United States District Court  
for the Southern District of Iowa - Des Moines

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Submitted: October 14, 2019

Filed: November 8, 2019

[Unpublished]

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Before SMITH, Chief Judge, GRUENDER and BENTON, Circuit Judges.

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PER CURIAM.

Norman Eugene Reed pleaded guilty to failure to register as a sex offender, in violation of the Sex Offender Registration and Notification Act (SORNA), 18 U.S.C. § 2250(a). Reed makes an unpreserved claim that, because he was convicted of a sex offense prior to the passage of SORNA, the retroactive application violates the nondelegation doctrine. Reed concedes that plain-error review applies to his

challenge to the constitutionality of the statute of conviction. *See* Appellant’s Br. at 5; *see also United States v. Jennings*, 930 F.3d 1024, 1027 (8th Cir. 2019).

In 2007, the Attorney General retroactively applied SORNA to sex offenders, acting under the authority delegated by Congress under 42 U.S.C. § 16913(d) (2006). We ruled on this issue in *United States v. Kuehl*, 706 F.3d 917 (8th Cir. 2013), concluding that “SORNA provides the Attorney General with an intelligible principle, and is a valid delegation of legislative authority.” *Id.* at 920. After [Reed pleaded guilty], the Supreme Court granted certiorari on this issue in *Gundy v. United States*, 17-6086. On June 20, 2019, the Supreme Court rejected the arguments relied upon by [Reed], stating “The question becomes: Did Congress make an impermissible delegation when it instructed the Attorney General to apply SORNA’s registration requirements to pre-Act offenders as soon as feasible? Under this Court’s long-established law, that question is easy. Its answer is no.” *Gundy v. United States*, 588 U.S. —, 139 S. Ct. 2116, 2129, — L.Ed.2d — (2019). *Kuehl* remains the binding law in this circuit.

*Jennings*, 930 F.3d at 1027.

Accordingly, we affirm the judgment of the district court.<sup>1</sup>

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<sup>1</sup>The Honorable Rebecca Goodgame Ebinger, United States District Judge for the Southern District of Iowa.