

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-4249

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

ANTONIUS HEIJNEN,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Anderson. G. Ross Anderson, Jr., District Judge. (8:03-cr-00045-GRA-6)

Submitted: March 23, 2007

Decided: April 11, 2007

Before WILKINSON, WILLIAMS, and KING, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Antonius Heijnen, Appellant Pro Se. David Calhoun Stephens, Assistant United States Attorney, Greenville, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Antonius Heijnen appeals following a remand to the district court for resentencing. Because the district court complied with our mandate and we find no reversible error, we affirm.

Heijnen was convicted after a jury trial on one count of conspiracy and five counts of wire fraud, for which he received a 188-month sentence. In his first appeal, Heijnen raised several assertions of error in his convictions and sentence. We affirmed Heijnen's convictions, but vacated his sentence and remanded for resentencing in accordance with United States v. Booker, 543 U.S. 220 (2005). United States v. Heijnen, 149 F. App'x 165 (4th Cir. 2005) (No. 04-4036).

Upon remand, the district court resentenced Heijnen to 151 months of imprisonment. Heijnen now appeals. In his informal brief, Heijnen raises several assertions of error in his convictions, and argues that his sentence was enhanced based on judicial fact-finding in violation of the Sixth Amendment.

Under the mandate rule, consideration of Heijnen's arguments is foreclosed because his convictions were affirmed in the original appeal, and the arguments raised by Heijnen related to his sentence were also specifically rejected. United States v. Bell, 5 F.3d 64, 66 (4th Cir. 1993). We accordingly decline to address the issues because they are not properly before us.

We therefore affirm Heijnen's sentence. We deny Heijnen's motion to expedite the appeal as moot. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED