

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 19-4631

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

STEVEN DESMOND PETERSON, a/k/a Primo,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Fayetteville. Malcolm J. Howard, Senior District Judge. (3:94-cr-00046-H-3)

Submitted: March 10, 2020

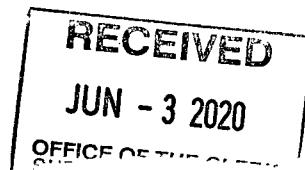
Decided: March 12, 2020

Before NIEMEYER and AGEE, Circuit Judges, and SHEDD, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Steven Desmond Peterson, Appellant Pro Se. Jennifer P. May-Parker, Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.



PER CURIAM:

Steven Desmond Peterson seeks to appeal from the district court's order entering an amended judgment in his criminal case to conform with *Rutledge v. United States*, 517 U.S. 292, 307 (1996) (holding that double jeopardy precludes conviction for both conspiracy and engaging in a continuing criminal enterprise ("CCE") when the conspiracy was used to prove the CCE), as directed by this court in a prior appeal. Peterson's challenges to his conviction and sentence are foreclosed by the mandate rule. *See United States v. Alston*, 722 F.3d 603, 606 (4th Cir. 2013). Accordingly, we affirm the amended judgment. *United States v. Peterson*, No. 3:94-cr-00046-H-3 (E.D.N.C. filed Aug. 15, 2019 & entered Aug. 19, 2019). 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

FILED: March 12, 2020

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Plaintiff - Appellee

v.

STEVEN DESMOND PETERSON, a/k/a Primo

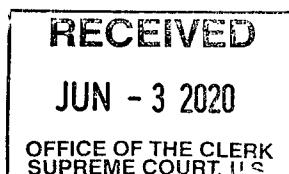
Defendant - Appellant

JUDGMENT

In accordance with the decision of this court, the judgment of the district court is affirmed.

This judgment shall take effect upon issuance of this court's mandate in accordance with Fed. R. App. P. 41.

/s/ PATRICIA S. CONNOR, CLERK



FILED: May 15, 2020

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Defendant - Appellant

ORDER

The petition for rehearing en banc was circulated to the full court. No judge requested a poll under Fed. R. App. P. 35. The court denies the petition for rehearing en banc.

For the Court

/s/ Patricia S. Connor, Clerk