

786 Fed.Appx. 410 (Mem)
 This case was not selected for
 publication in West's Federal Reporter.
 See Fed. Rule of Appellate Procedure 32.1
 generally governing citation of judicial
 decisions issued on or after Jan. 1, 2007. See
 also U.S.Ct. of Appeals 4th Cir. Rule 32.1.
 United States Court of Appeals, Fourth Circuit.

UNITED STATES of America, Plaintiff - Appellee,
 v.

Todd Lee **GLENN**, Defendant - Appellant.

No. 18-4597

Submitted: November 22, 2019

Decided: December 5, 2019

Appeal from the United States District Court for the District
 of Maryland, at Baltimore. [Deborah K. Chasanow](#), Senior
 District Judge. (1:18-cr-00125-DKC-1)

Attorneys and Law Firms

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 Christine Duey, Assistant United States Attorney, OFFICE
 OF THE UNITED STATES ATTORNEY, Baltimore,
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Before [KING](#), [WYNN](#), and [THACKER](#), Circuit Judges.

Opinion

Affirmed by unpublished per curiam opinion.

Unpublished opinions are not binding precedent in this
 circuit.

PER CURIAM:

*411 **Todd** Lee **Glenn** appeals from his conviction for
 failure to register as a sex offender. He entered into a
 conditional guilty plea, reserving the right to challenge the
 district court's denial of his motion to dismiss the indictment,
 which he now does on appeal. We affirm.

Glenn contends that the Sexual Offender Registration and
 Notification Act, 34 U.S.C.A. § 20913(d) (West 2018 & Supp.
 2019) (**SORNA**), violates the **non-delegation doctrine** by
 assigning a core legislative function to the Attorney General.
 However, he notes that the Supreme Court's decision in
Gundy v. United States, — U.S. —, 139 S. Ct. 2116, 204
 L.Ed.2d 522 (2019), bars his claim. Nonetheless, he seeks to
 preserve his claim.

SORNA imposes a federal registration obligation on
 convicted sex offenders. 34 U.S.C.A. § 20913. **SORNA**,
 enacted in July 2006, did not contain an express retroactivity
 provision applicable to offenders, such as **Glenn**, convicted
 of a sex offense prior to **SORNA**'s enactment date. Rather,
 the statute delegated to the Attorney General discretionary
 authority to make **SORNA**'s requirements retroactive to
 sex offenders convicted before its enactment. 18 U.S.C.A.
 20913(d). Under this delegated authority, the Attorney
 General issued a rule specifying that **SORNA**'s registration
 requirements apply in full to pre-enactment offenders. 75 Fed.
 Reg. 81850.

Glenn contends that the district court erred in rejecting
 his argument that Congress violated the constitutional
non-delegation doctrine by impermissibly delegating
 legislative functions to the Attorney General—specifically,
 the discretion to determine the retroactive applicability of
SORNA's registration requirements to pre-enactment sex
 offenders. We review de novo the district court's denial of a
 motion to dismiss an indictment that is predicated entirely on
 issues of law.  *United States v. Hatcher*, 560 F.3d 222, 224
 (4th Cir. 2009). Properly preserved constitutional claims also
 are reviewed de novo.  *United States v. Hall*, 551 F.3d 257,
 266 (4th Cir. 2009).

The plurality opinion ruled in *Gundy* that § 20913(d) does
 not violate the **non-delegation doctrine**. 139 S. Ct. at
 2121 (noting that the “delegation easily passes constitutional
 muster”). Justice Alito wrote a short opinion, concurring in
 the judgment and noting that the Court's precedent compelled
 the result. *Id.* at 2131. The Court's decision in *Gundy* is
 binding and determinative. “It is well established ... that when
 a decision of the Court lacks a majority opinion, the opinion
 of the Justices concurring in the judgment on the ‘narrowest
 grounds’ is to be regarded as the Court's holding.”  *A.T. Massey Coal Co. v. Massanari*, 305 F.3d 226, 236 (4th Cir.
 2002). Here, the narrowest common ground that five Justices

stood upon in *412 *Gundy* is that the SORNA delegation did not violate long-standing delegation doctrine analysis.

AFFIRMED

Accordingly, we affirm. 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.

All Citations

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