

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

April 21, 2014

Lyle W. Cayce
Clerk

No. 13-50654
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

GREGORY EUGENE NEAL,

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 1:10-CR-511-1

Before WIENER, OWEN, and HAYNES, Circuit Judges.

PER CURIAM:*

Gregory Eugene Neal appeals the district court's denial of his motion to reduce the 60-month sentence imposed on his guilty plea conviction for possessing with intent to distribute five grams or more of crack cocaine. *See* 18 U.S.C. § 3582(c). In *United States v. Neal*, No. 11-50110, 2012 U.S. App. LEXIS 23943 *1 (5th Cir. Nov. 20, 2012) (unpublished), issued on remand from the Supreme Court, 133 S. Ct. 157(2012), after its decision in *Dorsey v. United*

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

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States, 132 S. Ct. 2321, 2329-35 (2012), we affirmed the 60-month sentence on the basis that the sentence had been based on the 18 U.S.C. § 3553(a) factors and was reasonable. *See United States v. Bueno*, 585 F.3d 847, 850 n.3 (5th Cir. 2009). Neal’s challenge under *Dorsey* to the 60-month sentence is therefore barred by the law of the case doctrine, which “precludes reexamination by the appellate court on a subsequent appeal of an issue of law or fact decided on a previous appeal.” *United States v. Agofsky*, 516 F.3d 280, 283 (5th Cir. 2008); *White v. Murtha*, 377 F.2d 428, 431-32 (5th Cir. 1967).

AFFIRMED.