

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

April 15, 2021

Lyle W. Cayce
Clerk

No. 20-40761
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

CLIFFORD LAVERNE MECHAM, JR.,

Defendant—Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 2:18-CR-1339-1

Before HIGGINBOTHAM, JONES, and COSTA, *Circuit Judges.*

PER CURIAM:*

Clifford Laverne Mecham, Jr., appeals the sentence imposed at resentencing for his conviction for possession of child pornography. This court previously vacated Mecham's sentence based on the district court's misapplication of the U.S.S.G. § 2G2.2(b)(4)(A) enhancement. Mecham

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

No. 20-40761

has moved for summary disposition, asserting that 18 U.S.C. §§ 2252A(a)(5)(B) and 2256(8)(C) are unconstitutional as applied to him.

“On a second appeal following remand, the only issue for consideration is whether the [district court] reached its final decree in due pursuance of [this court’s] previous opinion and mandate.” *Burroughs v. FFP Operating Partners*, 70 F.3d 31, 33 (5th Cir. 1995). Because Mecham’s argument challenging the constitutionality of §§ 2252A(a)(5)(B) and 2256(8)(C) as applied to him is beyond this court’s remand order, we decline to consider it. *See Burroughs*, 70 F.3d at 33.

Accordingly, Mecham’s motion for summary disposition is DENIED. The judgment of the district court is AFFIRMED.