

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 09-3517

United States of America,

Appellee,

v.

Bobby Dale Walker,

Appellant.

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Appeal from the United States
District Court for the
Western District of Arkansas.

[UNPUBLISHED]

Submitted: February 14, 2011

Filed: February 28, 2011

Before RILEY, Chief Judge, WOLLMAN and BYE, Circuit Judges.

PER CURIAM.

Bobby Dale Walker pleaded guilty to violating 18 U.S.C. § 2250 based on his failure to register as a sex offender pursuant to the Sex Offender Registration and Notification Act (SORNA), 42 U.S.C. §§ 16901-16991. The district court¹ sentenced him to a term of thirty months of imprisonment. Walker entered a conditional plea which preserved his right to bring this appeal. He argues the criminal statute (§ 2250) and § 113 of the SORNA (42 U.S.C. § 16913) violate the commerce clause of the

¹The Honorable Robert T. Dawson, United States District Judge for the Western District of Arkansas.

United States Constitution because they have an insufficient nexus to the regulation of interstate commerce.

Walker's argument (which he acknowledges raising solely for the purpose of preserving the issue for potential further review) is foreclosed in this circuit by United States v. May, 535 F.3d 912, 922 (8th Cir. 2008) (holding that § 2250 is an appropriate exercise of Congress's power to regulate the use of the channels of interstate commerce) and United States v. Howell, 552 F.3d 709, 715 (8th Cir. 2009) ("[A]n analysis of § 16913 under the broad authority granted to Congress through both the commerce clause and the enabling necessary and proper clause reveals the statute is constitutionally authorized."). See also United States v. Reynolds, 116 F.3d 328, 329 (8th Cir. 1997) ("One panel may not overrule another.").

We therefore affirm the judgment of conviction and sentence.
