

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 06-1633

United States of America,

Appellee,

v.

Robert D. Strong,

Appellant.

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Appeal from the United States
District Court for the
Eastern District of Missouri.

[UNPUBLISHED]

Submitted: March 12, 2007

Filed: March 30, 2007

Before MELLOY, SMITH, and BENTON, Circuit Judges.

PER CURIAM.

Robert D. Strong was convicted of being a felon in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1). Although Strong had at least three previous violent felony convictions, the district court did not originally sentence him as an armed career criminal because, at the time, the court believed that *Blakely v. Washington*, 542 U.S. 296 (2004), precluded it from finding facts relative to Strong's prior offenses. On appeal, we affirmed Strong's conviction but reversed and remanded with instructions to resentence Strong as an armed career criminal, finding that Strong's prior convictions were violent felonies. *United States v. Strong*, 415 F.3d 902, 908 (8th Cir. 2005) (*Strong I*). In reaching this conclusion, we rejected the argument that

Almendarez-Torres v. United States, 523 U.S. 224 (1998), no longer had precedential value. *Strong*, 415 F.3d at 906–07.

After Strong's petition for writ of certiorari was denied by the Supreme Court, *Strong v. United States*, ___ U.S. ___, 126 S. Ct. 1121 (2006), the district court, following our instructions, resentenced Strong as an armed career criminal. Strong again appeals and again questions the continuing validity of *Almendarez-Torres*. For the reasons stated in *Strong I*, we reject Strong's argument. Accordingly, we affirm the judgment of the district court.¹

¹The Honorable Jean C. Hamilton, Chief Judge, United States District Court for the Eastern District of Missouri.