

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

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No. 04-11434  
Non-Argument Calendar

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FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT AUGUST 10, 2007 THOMAS K. KAHN CLERK
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D.C. Docket No. 03-20291-CR-DLG

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

LAVAN MAURICE WALKER,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Florida

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**(August 10, 2007)**

**ON REMAND FROM THE  
SUPREME COURT OF THE UNITED STATES**

Before TJOFLAT, HULL and WILSON, Circuit Judge.

PER CURIAM:

This case is before the court for further consideration in light of United States v. Booker, 543 U.S. 220, 125 S.Ct. 738 (2005). When this case was previously before us, we affirmed appellant’s convictions on two counts of possession with intent to distribute heroin, one count of possession of a firearm in furtherance of a drug trafficking crime, and one count of possession of a firearm by a convicted felon. United States v. Walker, 125 Fed.Appx. 977 (Table) (11th Cir. 2004). We now reinstate that decision.

In appealing his convictions, appellant did not challenge his sentences. He attempted to do so after the case had been fully briefed, however, by filing a motion for leave to file a supplemental brief challenging his sentences in light of Blakely v. Washington, 524 U.S. 296, 124 S.Ct. 1531 (2004). His motion was denied. Appellant contends that the Supreme Court’s mandate, directing that we give further consideration to his appeal in light of Booker, requires that we review his sentences – as if he had challenged them in a timely manner in United States v. Walker. We disagree. There is nothing in the Supreme Court’s remand order that requires us to treat appellant’s appeal as if he had challenged the constitutionality of his sentences under Booker. In the absence of such requirement, “we apply our well-established rule that issues and contentions not timely raised in the briefs are

deemed abandoned.” United States v. Dockery, 401 F.3d 1261 (11th Cir. 2005).

See also, United States v. Nealy, 232 F.3d 825 (11th Cir. 2000).

OPINION REINSTATED.