

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 01-3369

United States of America,

Appellee,

v.

Merardo Vargas-Pantja,

Appellant.

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Appeal from the United States
District Court for the Northern
District of Iowa.

[UNPUBLISHED]

Submitted: June 11, 2002

Filed: June 25, 2002

Before MORRIS SHEPPARD ARNOLD, HEANEY, and MURPHY, Circuit Judges.

PER CURIAM.

Merardo Vargas-Pantja petitioned the district court¹ to vacate, set aside, or amend his sentence pursuant to 28 U.S.C. § 2255, claiming that his trial counsel was ineffective and that he was entitled to relief under *Apprendi v. New Jersey*, 530 U.S. 466 (2000). The district court granted the government's motion to dismiss the claim and certified an appeal to this court.

¹The Honorable Donald E. O'Brien, United States District Judge for the Northern District of Iowa.

The district court correctly held that Mr. Vargas-Pantja's motion was barred by the one-year statute of limitations found in § 2255 and by our decision in *United States v. Moss*, 252 F.3d 993 (8th Cir. 2001), *cert. denied*, 122 S. Ct. 848 (2002), which held that *Apprendi* errors cannot be raised on collateral review. We therefore affirm the district court's order dismissing Mr. Vargas-Pantja's claim under § 2255. *See* 8th Cir. R. 47B.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.