

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 05-1002

Robert L. Ferrara,

Appellant,

v.

United States of America,

Appellee.

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* Appeal from the United States
* District Court for the
* Western District of Missouri.

* [UNPUBLISHED]

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Submitted: September 7, 2005
Filed: September 13, 2005

Before MELLOY, MAGILL, and GRUENDER, Circuit Judges.

PER CURIAM.

Robert Ferrara appeals the district court's¹ judgment denying his 28 U.S.C. § 2255 motion to vacate his sentence. The sole issue presented--whether United States v. Booker, 125 S. Ct. 738 (2005), is retroactively applicable to final convictions on collateral review--has been resolved, and Ferrara's section 2255 motion is foreclosed. See Never Misses A Shot v. United States, 413 F.3d 781, 783-84 (8th Cir. 2005) (per curiam). Accordingly, we affirm. See 8th Cir. R. 47B.

¹The Honorable Nanette K. Laughrey, United States District Judge for the Western District of Missouri.