

**United States Court of Appeals**  
**FOR THE EIGHTH CIRCUIT**

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No. 05-2510

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Dwight Charles Stowe,

Appellant,

v.

United States of America,

Appellee.

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

[UNPUBLISHED]

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Submitted: September 7, 2005

Filed: September 29, 2005

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Before ARNOLD, FAGG, and SMITH, Circuit Judges.

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PER CURIAM.

Dwight Charles Stowe appeals the district court's\* judgment denying Stowe's 28 U.S.C. § 2255 motion for relief based on the Supreme Court's recent holding in United States v. Booker, 125 S. Ct. 738 (2005). The district court granted a certificate of appealability on whether the rule announced in Booker applies retroactively to cases on collateral review. Because it does not, see Never Misses A Shot v. United States, 413 F.3d 781, 783-84 (8th Cir. 2005) (per curiam), we affirm

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\*The Honorable Ronald E. Longstaff, Chief Judge, United States District Court for the Southern District of Iowa.

the judgment of the district court. See 8th Cir. R. 47B. Counsel's motion to withdraw is granted, and Stowe's pro se motion for new counsel is denied.

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