

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

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No. 05-2315

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Antonia Soberanis-Sagrero,	*	
	*	
Appellant,	*	Appeal from the United States
	*	District Court for the District
v.	*	of Minnesota.
	*	
United States of America,	*	[UNPUBLISHED]
	*	
Appellee.	*	

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Submitted: October 25, 2005  
Filed: November 1, 2005

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Before ARNOLD, FAGG, and SMITH, Circuit Judges.

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PER CURIAM.

Antonia Soberanis-Sagrero filed a 28 U.S.C. § 2255 motion to vacate Soberanis-Sagrero's sentence based on the Supreme Court's decision in Blakely v. Washington, 542 U.S. 296 (2004). The district court\* denied relief, but granted a certificate of appealability on whether Blakey, and now United States v. Booker, 125 S. Ct. 738 (2005), apply retroactively to cases on collateral review. The rule announced in Booker does not apply to final criminal judgments on collateral review.

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\*The Honorable John R. Tunheim, United States District Judge for the District of Minnesota.

See Never Misses A Shot v. United States, 413 F.3d 781, 783-84 (8th Cir. 2005) (per curiam). Accordingly, we affirm the judgment of the district court. See 8th Cir. R. 47B.

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