

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 05-2789

United States of America,

Appellee,

v.

Raul Camerena Sigala,

Appellant.

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Appeal from the United States
District Court for the
District of Nebraska.

[UNPUBLISHED]

Submitted: October 28, 2005
Filed: November 16, 2005

Before MELLOY, MAGILL, and GRUENDER, Circuit Judges.

PER CURIAM.

Raul Sigala appeals the district court's¹ denial of his 28 U.S.C. § 2255 motion seeking relief based on 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, and we have since concluded that it does not. 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 Warren K. Urbom, United States Judge Court for the District of Nebraska.