

April 11, 2006

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 04-31143
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JEFFREY RAY STOVALL,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 2:04-CV-760
USDC No. 2:00-CR-20049-10

Before JONES, Chief Judge, and JOLLY and DAVIS, Circuit Judges.

PER CURIAM:*

Jeffrey Ray Stovall, a federal prisoner (# 10665-035), appeals from the district court's denial of his 28 U.S.C. § 2255 motion to vacate his sentence. Stovall is serving a 168-month prison term for his 2001 guilty-plea conviction of distribution of cocaine base, in violation of 21 U.S.C. § 841(a)(1). The district court granted Stovall a certificate of appealability (COA) on the issue whether Stovall's sentence violated his Sixth Amendment rights under Blakely v. Washington, 542 U.S. 296

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

(2004). Stovall has not sought to expand the COA beyond this issue.

Stovall now seeks relief on the basis of United States v. Booker, 543 U.S. 220 (2005). Booker, however, does not apply retroactively to cases on initial collateral review. United States v. Gentry, 432 F.3d 600, 605-06 (5th Cir. 2005).

Accordingly, the district court's order denying § 2255 relief is AFFIRMED.

Stovall's motion to supplement his reply brief to argue that Booker applies retroactively on collateral review is DENIED. See FED. R. APP. P. 28(j); 5TH CIR. R. 28.4.