

April 24, 2003

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-40714
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

SAMUEL PASQUAL EDMONDSON,

Defendant-Appellant.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 4:00-CV-356
USDC No. 4:96-CR-63-1

Before DAVIS, BARKSDALE, and STEWART, Circuit Judges.

PER CURIAM:*

Samuel Pasqual Edmondson, federal prisoner # 05102-010, appeals the district court's denial of his 28 U.S.C. § 2255 motion. He asserts that although Apprendi v. New Jersey, 530 U.S. 466 (2000), was decided after his conviction became final, it effected a substantive change in criminal law and is applicable to his case. Apprendi is not retroactively applicable

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

to cases on collateral review. See United States v. Brown, 305 F.3d 304, 305-09 (5th Cir. 2002), petition for cert. filed (U.S. Feb. 3, 2003)(No. 02-9606). The argument is foreclosed by the law of this circuit. Brown, 305 F.3d at 305-09. The judgment of the district court is therefore AFFIRMED.