

July 23, 2007

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 06-30811  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

MARK E. AMOS,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Eastern District of Louisiana  
USDC No. 2:06-CV-1114  
USDC No. 2:98-CR-146-1  
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Before JONES, Chief Judge, and JOLLY and OWEN, Circuit Judges.

PER CURIAM:\*

Mark E. Amos was convicted pursuant to his guilty plea of possession with intent to distribute marijuana and conspiracy to possess cocaine with intent to distribute, in violation of 21 U.S.C. §§ 841(a)(1), 846. He appeals the district court's dismissal of his 28 U.S.C. § 2255 motion to vacate his sentence as being time-barred. The district court granted a certificate of appealability as to this issue. Notwithstanding his assertions to the contrary, United States v. Booker, 543 U.S. 220 (2005), is not

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

retroactively applicable to his motion. See United States v. Gentry, 432 F.3d 600, 604-05 (5th Cir. 2005). Accordingly, the judgment of the district court is AFFIRMED.