

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 05-2941

George Paul Skinner,	*	
	*	
Appellant,	*	Appeal from the United States
	*	District Court for the Southern
v.	*	District of Iowa.
	*	
United States of America,	*	[UNPUBLISHED]
	*	
Appellee.	*	

Submitted: June 19, 2006
Filed: June 20, 2006

Before MELLOY, FAGG, and BENTON, Circuit Judges.

PER CURIAM.

George Paul Skinner appeals the district court's* order denying Skinner's 28 U.S.C. § 2255 motion. The district court granted a certificate of appealability (COA) on whether United States v. Booker, 543 U.S. 220 (2005), is retroactively applicable on collateral review, and we have since held it is not. See Never Misses A Shot v. United States, 413 F.3d 781, 783-84 (8th Cir. 2005) (per curiam). Skinner also challenges the denial of his claim of ineffective assistance of counsel, upon which the court also granted a COA, and we agree with the district court Skinner made no

*The Honorable Ronald E. Longstaff, United States District Judge for the Southern District of Iowa.

showing he suffered prejudice as a result of counsel's deficient performance. See Brown v. United States, 311 F.3d 875, 878 (8th Cir. 2002) (counsel's decision not to raise issue unsupported by then-existing precedent did not constitute ineffective assistance), cert. denied, 540 U.S. 891 (2003); Nguyen v. United States, 114 F.3d 699, 703-04 (8th Cir. 1997) (ineffective-assistance claim in guilty plea context).

We affirm the judgment of the district court. See 8th Cir. R. 47B.
