

**United States Court of Appeals**  
**FOR THE EIGHTH CIRCUIT**

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No. 07-3268

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United States of America,	*
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Appellee,	*
	* Appeal from the United States
v.	* District Court for the Western
	* District of Arkansas.
Thomas F. Brown,	*
	* [UNPUBLISHED]
Appellant.	*

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Submitted: February 25, 2009  
Filed: March 2, 2009

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Before WOLLMAN, MURPHY, and MELLOY, Circuit Judges.

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PER CURIAM.

Thomas Brown appeals the district court's<sup>1</sup> denial of his petition to vacate his 1995 conviction for manufacturing marijuana and peyote. Brown argued that he was factually innocent in light of the Supreme Court's intervening decision in Gonzales v. O Centro Espirita Beneficente Uniao Do Vegetal, 546 U.S. 418 (2006). We affirm the denial of the petition based on the well-reasoned opinion of the district court. See

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<sup>1</sup>The Honorable Jimm Larry Hendren, Chief Judge, United States District Court for the Western District of Arkansas, adopting the report and recommendations of the Honorable James R. Marschewski, United States Magistrate Judge for the Western District of Arkansas.

8th Cir. R. 47B. We also reject Brown's argument that he should have been allowed to amend his complaint to challenge a civil forfeiture, as his property was criminally forfeited.

The judgment is affirmed.

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