

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE

Michael A. Newton

v.

Case No. 04-cv-146-PB

United States of America

O R D E R

Petitioner has filed a to amend his previously denied motion to vacate his sentence.

I do not have the power to grant petitioner the relief he seeks. The First Circuit, and every other circuit court that has addressed the issue, has held that Blakely v. Washington, 542 U.S. 296 (2004), and United States v. Booker, 543 U.S. 220 (2005), do not apply retroactively on collateral review. Cirilo-Munoz v. United States, 404 F.3d 527, 533 (1st Cir. 2005). See also Valentine v. United States, 488 F.3d 325, 328-31 (6th Cir. 2007); Guzman v. United States, 404 F.3d 139, 142-43 (2d Cir. 2005); Lloyd v. United States, 407 F.3d 608, 612-16 (3d Cir. 2005); Lenford Never Misses a Shot v. United States, 413 F.3d 781, 782-83 (8th Cir. 2005); United States v. Price, 400 F.3d 844, 844-49 (10th Cir. 2005). The law on this point has not

changed since I last denied petitioner's request for relief.

Petitioner's motion to amend ([Doc. No. 25](#)) is denied.

SO ORDERED.

/s/Paul Barbadoro

Paul Barbadoro  
United States District Judge

September 11, 2009

cc: Michael Newton, pro se  
Aixa Maldonado-Quinones, Esq.  
Peter Papps, Esq.