

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 08-3046

September Term, 2009

FILED ON: NOVEMBER 2, 2009

UNITED STATES OF AMERICA,
APPELLEE

v.

KELO L. KING,
APPELLANT

Appeal from the United States District Court
for the District of Columbia
(No. 1:99-cr-00311-JR-1)

Before: GINSBURG and HENDERSON, *Circuit Judges*, and RANDOLPH, *Senior Circuit Judge*

J U D G M E N T

This appeal was considered on the record from the United States District Court for the District of Columbia and the briefs and oral arguments of the parties. While the issues presented occasion no need for a published opinion, they have been accorded full consideration by the Court. *See* Fed. R. App. P. 36; D.C. Cir. Rule 36(d). For the reasons stated below, it is

ORDERED and **ADJUDGED** that the judgment of the district court be affirmed.

This court has decided the rule in *United States v. Booker*, 543 U.S. 220 (2005), does not apply retroactively to cases on collateral review. *In re Fashina*, 486 F.3d 1300, 1301 (2007). That King brings new legal arguments to bear upon the issue does not enable this panel to revisit that decision. Under the law of the circuit doctrine, “[o]ne three-judge panel ... does not have the authority to overrule another three-judge panel of the court.” *LaShawn A. v. Barry*, 87 F.3d 1389, 1395 (D.C. Cir. 1996) (en banc).

The Clerk is directed to withhold issuance of the mandate herein until seven days after resolution of any timely petition for rehearing or petition for rehearing en banc. *See* Fed. R. App. P. 41(b); D.C. Cir. Rule 41.

PER CURIAM

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Michael C. McGrail
Deputy Clerk