

UNPUBLISHED ORDER
Not to be cited per Circuit Rule 53

United States Court of Appeals

**For the Seventh Circuit
Chicago, Illinois 60604**

Submitted June 29, 2005
Decided July 5, 2005

Before

Hon. RICHARD A. POSNER, *Circuit Judge*

Hon. MICHAEL S. KANNE, *Circuit Judge*

Hon. TERENCE T. EVANS, *Circuit Judge*

No. 05-1486

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

ROBERT SHIPP,
Defendant-Appellant.

Appeal from the United States
District Court for the Northern District
of Illinois, Eastern Division.

No. 93 CR 350-4

Marvin E. Aspen, *Judge.*

O R D E R

On October 5, 2004, Robert Shipp filed, with the district court, a document entitled “Motion for Modification of an Imposed Term of Imprisonment Under 18 U.S.C. § 3582(c)(2).” The district court issued an order properly recharacterizing Shipp’s motion as a collateral attack under 28 U.S.C. § 2255 and denied his motion because it was filed without our permission. In essence, what Shipp wanted was reconsideration of the sentence he received more than a decade ago following his conviction in 1993 on various counts of a superseding indictment charging several narcotics-related offenses.

Shipp’s October 5, 2004, filing was obviously a “second and successive petition” to vacate his sentence under § 2255. Because he cannot rely on the Supreme Court’s decision in United States v. Booker, 125 S. Ct. 738 (2005), which is not retroactive to cases on collateral review, we cannot authorize him to proceed with a second kick at this long-dead cat. Accordingly, we AFFIRM the district court’s denial of Shipp’s motion.