

August 16, 2005

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 04-11204
Conference Calendar

ALBERT WRIGHT,

Petitioner-Appellant,

versus

L. JOE RASBEARY, Warden,

Respondent-Appellee.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 5:04-CV-178-C

Before BENAVIDES, CLEMENT, and PRADO, Circuit Judges.

PER CURIAM:*

In October 1992, Albert D. Wright, now federal prisoner # 14728-018, was convicted by jury verdict in the Middle District of Florida of federal criminal offenses and sentenced to 15 years of imprisonment. Wright appeals the district court's dismissal of his 28 U.S.C. § 2241 petition, in which Wright argued that his rights under the Vienna Convention had been violated when he was arrested without being informed of his right to contact the Jamaican consulate.

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

The district court's dismissal was based upon its finding that Wright's Vienna Convention claim was not cognizable on federal habeas corpus review. However, Wright's petition was subject to dismissal because it challenged his conviction, rather than the execution of his sentence. Jeffers v. Chandler, 253 F.3d 827, 830 (5th Cir. 2001); Pack v. Yusuff, 218 F.3d 448, 452 (5th Cir. 2000). Moreover, Wright's Vienna Convention claim would not qualify for application of the "savings clause" set forth in 28 U.S.C. § 2255. This court may affirm the district court's judgment on any basis supported by the record. See United States v. Real Property, 123 F.3d 312, 313 (5th Cir. 1997).

Accordingly, the district court's judgment is AFFIRMED.