

December 14, 2005

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 05-10335  
Conference Calendar

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RIGOBERTO RODRIGUEZ,

Petitioner-Appellant,

versus

DAN JOSLIN,

Respondent-Appellee.

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 3:04-CV-2202-G  
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Before KING, Chief Judge, and HIGGINBOTHAM and SMITH, Circuit Judges.

PER CURIAM:\*

Rigoberto Rodriguez, federal prisoner # 30916-077, appeals the denial of his 28 U.S.C. § 2241 petition. He argues that his sentence is invalid in light of Blakely v. Washington, 542 U.S. 296 (2004), and United States v. Booker, 125 S. Ct. 738 (2005). Rodriguez's argument is directed toward a sentencing error; such an argument may not be brought under 28 U.S.C. § 2241. See Padilla v. United States, 416 F.3d 424, 425-26 (5th Cir. 2005). Rodriguez's argument that he is entitled to proceed under 28 U.S.C. § 2241 based on the savings clause of 28 U.S.C. § 2255

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

because relief under that section is "inadequate or ineffective" is unavailing. See id. at 427 (holding that a claim under Booker does not fit within the savings clause of 28 U.S.C. § 2255). The judgment of the district court is AFFIRMED.