

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

September 18, 2007

Charles R. Fulbruge III
Clerk

No. 06-11342
Summary Calendar

JERRON D LOLLIS

Petitioner-Appellant

v.

WARDEN, FCI SEAGOVILLE

Respondent-Appellee

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:06-CV-55

Before KING, DAVIS, and CLEMENT, Circuit Judges.

PER CURIAM:*

Jerron D. Lollis, Texas prisoner # 04759-068, was convicted of conspiracy to distribute cocaine, distribution of cocaine, and a related firearms offense, and he was sentenced to 248 months of imprisonment. Lollis filed a 28 U.S.C. § 2255 motion in the Western District of Pennsylvania, the district in which he was convicted, and the motion was denied.

Lollis filed in the district court a petition under 28 U.S.C. § 2241, seeking relief pursuant to *United States v. Booker*, 543 U.S. 220 (2005), *Blakely v.*

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Washington, 542 U.S. 296 (2004), and *Apprendi v. New Jersey*, 530 U.S. 466 (2000). The district court dismissed the petition for lack of jurisdiction, finding that Lollis failed to meet the conditions of § 2255's savings clause. Lollis filed a motion in the district court for leave to appeal in forma pauperis (IFP). The district court denied the motion.

Lollis's claims do not fall under the savings clause of § 2255; thus, he may not pursue relief under § 2241. See *Padilla v. United States*, 416 F.3d 424, 427 (5th Cir. 2005); *Reyes-Requena v. United States*, 243 F.3d 893, 904 (5th Cir. 2001). Lollis's appeal presents an issue that "is frivolous and entirely without merit." 5TH CIR. R. 42.2. Accordingly, his appeal is dismissed. Lollis's motion to proceed IFP on appeal is denied.

MOTION DENIED; APPEAL DISMISSED