

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-41047
Conference Calendar

REGINALD L. MCCOY,

Petitioner-Appellant,

versus

UNITED STATES OF AMERICA; JOHN ASHCROFT, U.S. Attorney
General, ERNEST V. CHANDLER, Warden,

Respondent-Appellee.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 1:01-CV-10

December 12, 2002

Before JOLLY, JONES, and CLEMENT, Circuit Judges.

PER CURIAM:*

Reginald L. McCoy, federal prisoner number 11732-018, is serving concurrent life sentences for convictions for conspiracy to possess with intent to distribute crack cocaine and possession of 50 grams or more of crack cocaine with intent to distribute. McCoy has appealed the district court's judgment dismissing his 28 U.S.C. § 2241 petition, arguing that he is entitled to relief under the "Savings Clause" of 28 U.S.C. § 2255, in light of Apprendi v. New Jersey, 530 U.S. 466 (2000). This court has recently held that Apprendi does not apply retroactively to cases

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

on collateral review and that an Apprendi claim does not satisfy the test for filing a 28 U.S.C. § 2241 petition under the Savings Clause. See Wesson v. United States Penitentiary, Beaumont, TX, 305 F.3d 343, 347-48 (5th Cir. 2002).

AFFIRMED.