

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 02-30097  
Summary Calendar

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STANLEY JACKSON

Petitioner - Appellant

v.

JOSEPH M HARO

Respondent - Appellee

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Appeal from the United States District Court  
for the Western District of Louisiana  
USDC No. 01-CV-1127  
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August 5, 2002

Before KING, Chief Judge, and WIENER and PARKER, Circuit Judges.

PER CURIAM:\*

Stanley Jackson, federal prisoner # 43178-019, appeals the dismissal of his 28 U.S.C. § 2241 petition as duplicative. Jackson's argument that he is entitled to relief under Apprendi v. New Jersey, 530 U.S. 466 (2000), fails because his sentence was enhanced based on prior convictions pursuant to 18 U.S.C. § 924(e). See Apprendi, 530 U.S. at 488 ("Other than the fact of a prior conviction, any fact that increases the penalty for a

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

crime beyond the prescribed statutory maximum must be submitted to a jury and proved beyond a reasonable doubt.") (emphasis added).

Jackson has failed to allege any error on the part of the district court in dismissing his petition as duplicative; he has briefed only the merits of the arguments raised in his petition. He has therefore waived review of the dismissal of his petition on that basis. See Yohey v. Collins, 985 F.2d 222, 224-25 (5th Cir. 1993).

AFFIRMED; Motions to appoint counsel and for evidentiary hearing DENIED.