

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-40287
Conference Calendar

KEITH ADELL DANCER,

Petitioner-Appellant,

versus

ERNEST CHANDLER, Warden,

Respondent-Appellee.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 1:01-CV-433

December 12, 2002

Before JOLLY, JONES, and CLEMENT, Circuit Judges.

PER CURIAM:*

Keith Adell Dancer, federal prisoner # 60830-080, appeals the denial of his 28 U.S.C. § 2241 petition, in which he challenged his conviction for conspiracy to possess with the intent to distribute cocaine. He argues that he was sentenced in violation of Apprendi v. New Jersey, 530 U.S. 466 (2000), and that the district court erred in determining that this claim did not meet the savings clause requirements.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

This court has recently held that Apprendi does not apply retroactively to cases on collateral review and that an Apprendi claim does not satisfy the requirements for filing a 28 U.S.C. § 2241 petition under the savings clause. See Wesson v. U.S. Penitentiary Beaumont, TX, 305 F.3d 343, 347-48 (5th Cir. 2002). Accordingly, Dancer cannot make a sufficient showing to invoke the savings clause on his Apprendi claim.

AFFIRMED.