

August 28, 2006

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 05-11039
Conference Calendar

RONNIE GLENN TRIPLETT,

Petitioner-Appellant,

versus

DAN JOSLIN, Warden,

Respondent-Appellee.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:05-CV-1403

Before DAVIS, SMITH, and WIENER, Circuit Judges.

PER CURIAM:*

Ronnie Glenn Triplett, federal prisoner # 15692-064, appeals the district court's dismissal of his 28 U.S.C. § 2241 habeas petition for want of jurisdiction. Triplett pleaded guilty in the Western District of Oklahoma to two counts of distribution of methamphetamine and one count of being a felon in possession of a firearm and ammunition. His § 2241 petition challenged the constitutionality of his sentence in light of United States v. Booker, 543 U.S. 220 (2005).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

The errors asserted by Triplett may not be raised in a § 2241 petition unless they arise under the savings clause of 28 U.S.C. § 2255. See Tolliver v. Dobre, 211 F.3d 876, 877-78 (5th Cir. 2000). We have held that claims based on Booker do not fall under the savings clause of § 2255. Padilla v. United States, 416 F.3d 424, 426-27 (5th Cir. 2005). The district court correctly construed Triplett's petition as a motion filed pursuant to § 2255 over which it lacked jurisdiction. See Solsona v. Warden, F.C.I., 821 F.2d 1129, 1132 (5th Cir. 1987).

Accordingly, the district court's judgment is AFFIRMED.