

October 24, 2006

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 05-31117
Conference Calendar

JOE ALLAN BOUNDS,

Plaintiff-Appellant,

versus

J. P. YOUNG; ALBERTO R. GONZALES, U.S. ATTORNEY GENERAL,

Defendants-Appellees.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 2:05-CV-232

Before JOLLY, DeMOSS, and STEWART, Circuit Judges.

PER CURIAM:*

Joe Allan Bounds, federal prisoner # 18363-077, appeals the district court's dismissal of his 28 U.S.C. § 2241 habeas petition for want of jurisdiction. Bounds was convicted of conspiracy to manufacture phenylacetone and methamphetamine, manufacturing amphetamine and phenylacetone, use of a firearm during and in relation to a drug trafficking offense, and possession of a firearm by a convicted felon. He was sentenced to a total of 324 months of imprisonment.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Bounds's § 2241 petition challenged the constitutionality of his conviction and sentence in light of United States v. Booker, 543 U.S. 220 (2005). The errors asserted by Bounds 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). 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).

Accordingly, the district court's judgment is AFFIRMED.