

February 23, 2006

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 05-40942  
Conference Calendar

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BOBBY NORRIS McAFEE,

Petitioner-Appellant,

versus

UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF TEXAS,

Respondent-Appellee.

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Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. 1:05-CV-218  
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Before GARZA, DENNIS, and PRADO, Circuit Judges.

PER CURIAM:\*

Bobby Norris McAfee, a federal prisoner (# 25170-177), appeals the dismissal of his 28 U.S.C. § 2241 habeas petition challenging his 235-month prison sentence imposed following his 1993 guilty-plea conviction of a Racketeer Influenced and Corrupt Organizations Act offense. McAfee contends that his sentence is unconstitutional in light of United States v. Booker, 543 U.S. 220 (2005).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Because McAfee challenges errors that occurred at sentencing, the claim may not be asserted in a § 2241 petition. See Padilla v. United States, 416 F.3d 424, 426-27 (5th Cir. 2005). Insofar as he has suggested that he is entitled to proceed under § 2241 based on the "savings clause" of 28 U.S.C. § 2255, because relief under the latter section is "inadequate or ineffective," such suggestion is unavailing. Id. at 427. The district court's judgment is AFFIRMED.