

August 28, 2006

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 05-41625
Conference Calendar

ANTONIO ALANIS,

Petitioner-Appellant,

versus

STEVEN MORRIS, Warden,

Respondent-Appellee.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 1:05-CV-430

Before DAVIS, SMITH, and WIENER, Circuit Judges.

PER CURIAM:*

Antonio Alanis, Jr., federal prisoner # 06193-027, appeals the district court's denial of his 28 U.S.C. § 2241 habeas petition, which followed his conviction and sentence for conspiracy to distribute cocaine, possession with intent to distribute cocaine and marijuana, and unlawful transportation of a firearm after a felony conviction. Alanis challenged the constitutionality of his conviction and sentence in light of

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

United States v. Booker, 543 U.S. 220 (2005), and Blakely v. Washington, 542 U.S. 296 (2004).

The errors asserted by Alanis may not be raised in a § 2241 petition unless they arise under the savings clause of 28 U.S.C. § 2255. We have held that claims based on Booker and Blakely do not fall under the savings clause of § 2255. Padilla v. United States, 416 F.3d 424, 426-27 (5th Cir. 2005).

Alternatively, Alanis seeks authorization to file a successive § 2555 motion. Alanis's motion incorporated in his brief is denied. See In re Elwood, 408 F.3d 211, 213 (5th Cir. 2005).

Alanis's challenge to the requirements of § 2241 and § 2255 under the Suspension Clause has been rejected by this court. See Reyes-Requena v. United States, 243 F.3d 893, 901 n.19 (5th Cir. 2001).

Accordingly, the district court's judgment is AFFIRMED. Alanis's request for authorization to file a successive § 2255 motion is DENIED.