

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

June 19, 2008

No. 07-40808
Conference Calendar

Charles R. Fulbruge III
Clerk

LONNIE R WHITLEY

Petitioner-Appellant

v.

PAUL KASTNER, Warden

Respondent-Appellee

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 5:07-CV-32

Before JONES, Chief Judge, and JOLLY and DENNIS, Circuit Judges.

PER CURIAM:*

Lonnie R. Whitley, federal prisoner # 04545-033, appeals the district court's dismissal of his 28 U.S.C. § 2241 petition challenging the 420-month sentence he received following his 1997 conviction for conspiracy to manufacture methamphetamine, using and carrying a firearm in connection with a drug-trafficking crime, and being a felon in possession of a firearm. He renews his claim that he was improperly sentenced and asserts that a fundamental miscarriage of justice will result from the failure to consider the merits of his

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

claim. However, even if his brief is liberally construed, Whitley makes no argument that the district court erred in determining that he did not meet the criteria for raising his claims in this § 2241 petition pursuant to the savings clause of 28 U.S.C. § 2255(e). He has thus abandoned the only issue on appeal by failing to brief it. See *Yohey v. Collins*, 985 F.2d 222, 225 (5th Cir. 1993).

The appeal is without arguable merit, see *Howard v. King*, 707 F.2d 215, 219-20 (5th Cir. 1983), and is dismissed as frivolous. See 5TH CIR. R. 42.2.

APPEAL DISMISSED.