

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

---

No. 00-41480  
Conference Calendar

---

SAMUEL WINFIELD,

Petitioner-Appellant,

versus

UNITED STATES OF AMERICA;  
E.V. CHANDLER,

Respondents-Appellees.

-----  
Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. 1:00-CV-742  
-----

June 14, 2001

Before WIENER, DeMOSS, and DENNIS, Circuit Judges.

PER CURIAM:\*

Samuel Winfield, federal prisoner # 61107-079, appeals the district court's dismissal of his 28 U.S.C. § 2241 petition, in which he sought to raise a challenge to the legality of his sentence. Winfield argues that his claim was properly brought in a § 2241 petition because relief under 28 U.S.C. § 2255 is inadequate as he cannot meet the requirements for filing a successive § 2255 motion.

---

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Although he purports to rely on Apprendi v. New Jersey, 530 U.S. 466 (2000), the true nature of Winfield's claim is that the Sentencing Guidelines were incorrectly applied in his case. This claim is not cognizable in a § 2255 motion. See United States v. Segler, 37 F.3d 1131, 1134 (5th Cir. 1994).

The district court did not err in determining that Winfield had failed to show that relief under § 2255 was inadequate and did not err in dismissing his § 2241 petition. Accordingly, its judgment is AFFIRMED.