

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-60136
Summary Calendar

CRUZ MIGUEL SORIANO,

Petitioner-Appellant,

versus

UNITED STATES OF AMERICA,

Respondent-Appellee.

- - - - -
Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. 5:00-CV-296-BrS
- - - - -

October 18, 2001

Before REAVLEY, DAVIS and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:*

Cruz Miguel Soriano, federal prisoner #09283-069, appeals from the dismissal with prejudice of his petition seeking relief under 28 U.S.C. § 2241. The district court held, because Soriano was challenging errors that were alleged to have occurred during his criminal proceedings, his claims must be raised in a motion filed pursuant to 28 U.S.C. § 2255 and that the district court therefore lacked jurisdiction to consider such claims. Soriano argues on appeal that he is entitled to application of the "savings clause" of § 2255 because his claims are based upon the

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Supreme Court's holding in Apprendi v. New Jersey, 530 U.S. 466 (2000).

Soriano has failed to show that the remedies provided for under 28 U.S.C. § 2255 are inadequate or ineffective to test the legality of his detention. See Reyes-Requena v. United States, 243 F.3d 893, 901 (5th Cir. 2001). Accordingly, the district court's judgment is AFFIRMED.