

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-11142
Conference Calendar

UYI KING OSAYANDE,

Petitioner-Appellant,

versus

UNITED STATES OF AMERICA,

Respondent-Appellee.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:02-CV-1422-P

February 20, 2003

Before WIENER, EMILIO M. GARZA, and CLEMENT, Circuit Judges.

PER CURIAM:*

Uyi King Osayande, federal prisoner # 26653-077, filed the instant 28 U.S.C. § 2241 habeas corpus petition, which the district court dismissed, to challenge his conviction for conspiracy to possess with intent to distribute heroin and for possession of heroin with intent to distribute. He argues that his conviction and sentence are invalid under Apprendi v. New Jersey, 530 U.S. 466 (2000). Apprendi does not apply

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

retroactively to cases on collateral review, and an Apprendi claim does not satisfy the test for filing a 28 U.S.C. § 2241 petition under the savings clause of 28 U.S.C. § 2255. See Wesson v. U.S. Penitentiary, Beaumont, TX, 305 F.3d 343, 347-48 (5th Cir. 2002). Accordingly, the judgment of the district court is AFFIRMED.