

April 11, 2006

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 05-10526
Conference Calendar

LENNIE JOHN,

Petitioner-Appellant,

versus

COLE JETER, Warden, Federal Medical Center Fort Worth,

Respondent-Appellee.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:04-CV-822

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

PER CURIAM:*

Lennie John, federal prisoner No. 05055-088, appeals the district court's dismissal of a 28 U.S.C. § 2241 habeas petition challenging his conviction and sentence for distribution of cocaine base. John challenges the constitutionality of his sentence in light of United States v. Booker, 543 U.S. 220 (2005) and United States v. Blakely, 542 U.S. 296 (2004).

John alleges errors that occurred at sentencing, which may not be asserted in a § 2241 petition unless they arise under the savings clause of 28 U.S.C. § 2255. See Padilla v. United

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

States, 416 F.3d 424, 426-27 (5th Cir. 2005). As John has failed to show that he is entitled to proceed under the § 2255 savings clause, see id., the district court did not err by dismissing John's § 2241 petition for lack of jurisdiction. Christopher v. Miles, 342 F.3d 378, 385 (5th Cir. 2003).

AFFIRMED.