

February 23, 2006

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 05-40734
Conference Calendar

THOMAS JONES,

Petitioner-Appellant,

versus

UNIDENTIFIED CHILDRESS, Warden,

Respondent-Appellee.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 1:05-CV-208

Before GARZA, DENNIS, and PRADO, Circuit Judges.

PER CURIAM:*

Thomas Jones, a federal prisoner (# 72557-079), appeals the dismissal of his 28 U.S.C. § 2241 habeas petition challenging his 210-month prison sentence imposed following his 1996 guilty-plea conviction of possession of cocaine with intent to distribute. Jones contends that his sentence is unconstitutional in light of United States v. Booker, 543 U.S. 220 (2005), because it was based on facts that were neither determined by a jury nor admitted by him.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Because Jones challenges errors that occurred at sentencing, the claim may not be asserted in a § 2241 petition. See Padilla v. United States, 416 F.3d 424, 426-27 (5th Cir. 2005). Insofar as he has suggested that he is entitled to proceed under § 2241 based on the "savings clause" of 28 U.S.C. § 2255, because relief under the latter section is "inadequate or ineffective," such suggestion is unavailing. Id. at 427. The district court's judgment is AFFIRMED.