

February 23, 2006

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 05-50616
Conference Calendar

JOEL GONZALEZ,

Petitioner-Appellant,

versus

UNITED STATES OF AMERICA,

Respondent-Appellee.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 1:05-CV-68

Before GARZA, DENNIS, and PRADO, Circuit Judges.

PER CURIAM:*

Joel Gonzalez, federal prisoner # 63438-079, appeals the denial of his 28 U.S.C. § 2241 petition. He argues that his sentence is invalid in light of United States v. Booker, 543 U.S. 220 (2005). Gonzalez's argument is directed toward a sentencing error; such an argument may not be brought under § 2241. See Padilla v. United States, 416 F.3d 424, 425-26 (5th Cir. 2005). Gonzalez's argument that he is entitled to proceed under § 2241 based on the savings clause of 28 U.S.C. § 2255 because relief under that section is "inadequate or ineffective" is unavailing.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

See id. at 427 (holding that a claim under Booker does not fit within the savings clause of § 2255). The judgment of the district court is AFFIRMED.