

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

December 30, 2011

No. 11-10366
Summary Calendar

Lyle W. Cayce
Clerk

GEORGE L. WEBBER,

Petitioner-Appellant

v.

REBECCA TAMEZ, Warden, Federal Correctional Institution, Fort Worth,

Respondent-Appellee

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:10-CV-511

Before HIGGINBOTHAM, DAVIS, and ELROD, Circuit Judges.

PER CURIAM:*

George Webber, federal prisoner # 14047-045, appeals the dismissal of his 28 U.S.C. § 2241 petition, in which he challenged his sentence of 192 months of imprisonment for his 2002 conviction for distribution of cocaine base. Webber contends that the district court erred in sentencing him as a career offender under U.S.S.G. § 4B1.1 because his prior state drug offenses were not drug trafficking offenses under § 4B1.2. He asserts that he meets the requirements of the savings clause of 28 U.S.C. § 2255 because he is actually innocent of being

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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a career offender under § 4B1.1 according to *Begay v. United States*, 553 U.S. 137 (2008).

Webber's claim based on an alleged error in applying a sentencing enhancement may not be asserted in this § 2241 petition because it fails to satisfy the requirements of the savings clause in § 2255. *See Kinder v. Purdy*, 222 F.3d 209, 213-14 (5th Cir. 2000). The district court properly dismissed Webber's § 2241 petition for lack of jurisdiction. *See Padilla v. United States*, 416 F.3d 424, 426-27 (5th Cir. 2005).

The Government's motion for summary affirmance is GRANTED, the motion for extension of time to file a brief is DENIED, and the judgment of the district court is AFFIRMED.