IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit
FILED
July 18, 2012
Lyle W. Cayce
Clerk

No. 11-11043
Summary Calendar

PAUL D. WILLIAMS,

Petitioner-Appellant

v.

WARDEN R. TAMEZ,

Respondent-Appellee

Appeals from the United States District Court
for the Northern District of Texas
USDC No. 4:11-CV-135

Before REAVLEY, JOLLY and DAVIS, Circuit Judges.

PER CURIAM:[*]

Paul D. Williams, federal prisoner # 07339-051, appeals the dismissal for lack of jurisdiction of his 28 U.S.C. § 2241 petition challenging his classification as a career offender pursuant to his federal convictions for kidnaping with the intent to commit immoral acts, being a felon in possession of a firearm, and using a firearm during and in relation to a crime of violence. felon in possession of a firearm. Williams argues that he is actually innocent of the career offender enhancement because his 1983 Wyoming manslaughter conviction is invalid.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

The Respondent has moved for summary affirmance or, in the alternative, for a dismissal as frivolous or for an extension of time to file a brief. Williams's argument that his actual innocence claim is cognizable in a § 2241 petition is foreclosed by *Kinder v. Purdy*, 222 F.3d 209, 213-14 (5th Cir. 2000), which held that a petitioner's argument that he is actually innocent of being a career offender is not the type of argument that warrants review under § 2241 because the petitioner is not asserting that he is actually innocent of the underlying crime for which he was convicted. Accordingly, the Respondent's motion for summary affirmance is GRANTED; its alternative motions for dismissal as frivolous and for an extension of time to file a brief are DENIED, and the judgment of the district court is AFFIRMED.