

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

No. 16-41237
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

August 3, 2017

Lyle W. Cayce
Clerk

ANDREW PHILLIPS NICHOLS,

Petitioner–Appellant,

v.

WARDEN, FCI BEAUMONT LOW,

Respondent–Appellee.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 1:16-CV-165

Before JOLLY, OWEN, and HAYNES, Circuit Judges.

PER CURIAM:*

Andrew Phillips Nichols, federal prisoner # 07945-010, was convicted of producing visual depictions of child pornography, in violation of 18 U.S.C. § 2251(a) and (e), and was sentenced to 210 months of imprisonment and a lifetime of supervised release. He appeals the dismissal of his 28 U.S.C. § 2241 petition in which he argued that he is actually innocent of the offense of conviction. His conclusional argument that the savings clause of 28 U.S.C.

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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§ 2255(e) is unconstitutionally vague fails to show that the district court erred in dismissing his § 2241 petition. *See Pack v. Yusuff*, 218 F.3d 448, 451-52 (5th Cir. 2000).

The judgment of the district court is AFFIRMED.