

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-21006
Conference Calendar

DEBRA SMITH,

Petitioner-Appellant,

versus

JOHN PENDLETON,

Respondent-Appellee.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-97-CV-2887

- - - - -
August 20, 1998

Before KING, HIGGINBOTHAM, and JONES, Circuit Judges.

PER CURIAM:*

Debra Smith, federal prisoner # 17361-018, appeals the denial of her 28 U.S.C. § 2241 petition challenging the Bureau of Prison's (BOP's) refusal to consider her eligible for a sentence reduction under 18 U.S.C. § 3621(e)(2)(B). She argues that the BOP's policy of not considering prisoners who were convicted under 18 U.S.C. § 922(g) or whose sentences were enhanced under the Sentencing Guidelines for possession of a firearm is an impermissible interpretation of § 3621(e)(2)(B)'s "nonviolent offense" requirement. Her argument is foreclosed by this court's

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

decision in Venegas v. Henman, 126 F.3d 760, 763-65 (5th Cir. 1997), cert. denied, 118 S. Ct. 1679 (May 4, 1998).

AFFIRMED.