

February 13, 2007

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 06-10231
Conference Calendar

JOHNNY WILLIAM IRONS,

Petitioner-Appellant,

versus

DAN JOSLIN, Warden,

Respondent-Appellee.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:05-CV-2534

Before BARKSDALE, GARZA, and CLEMENT, Circuit Judges.

PER CURIAM:*

Johnny William Irons, federal prisoner # 26283-077, appeals the dismissal without prejudice of his 28 U.S.C. § 2241 habeas petition. He challenged his conviction for conspiracy to distribute 50 grams or more of crack cocaine in violation of 21 U.S.C. §§ 841(a)(1) and 846.

Irons has not shown that the district court erred in construing his purported § 2241 petition as an unauthorized successive 28 U.S.C. § 2255 motion. See Reyes-Requena v. United States, 243 F.3d 893, 904 (5th Cir. 2001). Irons's contention

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

that his claims under Blakely v. Washington, 542 U.S. 296 (2004), and United States v. Booker, 543 U.S. 220 (2005), fall under § 2255's savings clause is incorrect. See Padilla v. United States, 416 F.3d 424, 427 (5th Cir. 2005). The judgment of the district court is affirmed. Irons is warned that the filing of frivolous pleadings in the future will subject him to sanctions.

AFFIRMED; SANCTION WARNING ISSUED.