

June 25, 2003

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 03-30163
Conference Calendar

WILLIE GEORGE MCDONALD,

Petitioner-Appellant,

versus

JOSEPH M. HARO,

Respondent-Appellee.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 02-CV-1785

Before DeMOSS, DENNIS, and PRADO, Circuit Judges.

PER CURIAM:*

Willie George McDonald, federal prisoner # 19369-077, has filed a 28 U.S.C. § 2241 petition challenging his guilty-plea conviction for distribution of heroin. He asserts that his conviction and sentence are invalid under Apprendi v. New Jersey, 530 U.S. 466 (2000). Apprendi does not apply retroactively to cases on collateral review, and an Apprendi violation does not satisfy the test for filing a 28 U.S.C. § 2241 petition under the "savings clause" of 28 U.S.C. § 2255. Wesson v. U.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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

Penitentiary Beaumont, Tex., 305 F.3d 343, 347-48 (5th Cir. 2002), cert. denied, 123 S. Ct. 1374 (2003). The judgment of the district court is AFFIRMED.