

April 17, 2007

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 06-40151
Conference Calendar

HARRY LEE RIDDICK,

Petitioner-Appellant,

versus

RICHARD D. MILES, Warden,

Respondent-Appellee.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 1:05-CV-295

Before HIGGINBOTHAM, BENAVIDES, and PRADO, Circuit Judges.

PER CURIAM:*

Harry Lee Riddick, federal prisoner # 48116-060, appeals from the dismissal of his 28 U.S.C. § 2241 petition. Riddick challenges his conviction of operating a continuing criminal enterprise, conspiracy to possess with intent to distribute cocaine, distribution of cocaine in or near a school, and distribution of cocaine.

Riddick seeks relief pursuant to United States v. Booker, 543 U.S. 220 (2005); Blakely v. Washington, 542 U.S. 296 (2004); and Richardson v. United States, 526 U.S. 813 (1999). Riddick'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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

Booker and Blakely claims do not fall under the "savings clause" of 28 U.S.C. § 2255; he thus may not pursue relief under § 2241. See Padilla v. United States, 416 F.3d 424, 427 (5th Cir. 2005). Riddick's appellate brief indicates that he knew about Richardson before he filed his § 2255 motion in 2001; he therefore could have raised his Richardson issues in that motion and may not pursue them in a § 2241 petition. See Reyes-Requena v. United States, 243 F.3d 893, 904 (5th Cir. 2001).

AFFIRMED.