

June 21, 2006

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 05-10533  
Conference Calendar

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EPITACIO ARVIZO-PENA,

Petitioner-Appellant,

versus

ANTONIO MEDELLIN,

Respondent-Appellee.

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 1:05-CV-33  
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Before STEWART, DENNIS, and OWEN, Circuit Judges.

PER CURIAM:\*

Epitacio Arvizo-Pena, federal inmate # 11624-051, filed a petition under 28 U.S.C. § 2241 challenging his 2002 conviction and sentence for illegal reentry following deportation. He contends that his sentence is illegal in light of United States v. Booker, 543 U.S. 220 (2005). Arvizo-Pena's Booker claim was not properly brought under 28 U.S.C. § 2241. See Padilla v. United States, 416 F.3d 424, 426-27 (5th Cir. 2005).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Arvizo-Pena has waived appeal of any ineffective-assistance claims by failing to brief them here. See Yohey v. Collins, 985 F.2d 222, 225 (5th Cir. 1993).

The judgment of the district court is AFFIRMED.