

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-50789
Conference Calendar

JOHN LACEY MALONE, JR.,

Petitioner-Appellant,

versus

SLADE, Warden, Warden of F.C.I. La Tuna & F.P.C. La Tuna,

Respondent-Appellee.

- - - - -
Appeal from the United States District Court
for the Western District of Texas
USDC No. EP-97-CV-279
- - - - -

June 16, 1998

Before DAVIS, PARKER, and DENNIS, Circuit Judges.

PER CURIAM:*

John Lacey Malone, Jr., federal prisoner # 52209-080, appeals the denial of his 28 U.S.C. § 2241 petition challenging the Bureau of Prison's refusal to consider him eligible for a reduction to his sentence under 18 U.S.C. § 3621(e)(2)(B). He argues that the BOP's policy of not considering eligible prisoners convicted of drug trafficking offenses for which the sentences were enhanced under the Sentencing Guidelines for possession of a firearm is an impermissible interpretation of

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

§ 3621(e)(2)(B)'s "nonviolent offense." His argument is foreclosed by this court's decision in Venegas v. Henman, 126 F.3d 760, 763-65 (5th Cir. 1997), cert. denied, 118 S. Ct. 1679 (1998).

AFFIRMED.