

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

United States Court of Appeals  
Fifth Circuit

**FILED**

April 11, 2012

Lyle W. Cayce  
Clerk

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No. 11-10806  
Summary Calendar

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FRANKLIN L. WILLIAMS,

Petitioner-Appellant

v.

REBECCA TAMEZ, Warden

Respondent-Appellee

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 4:11-CV-110

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Before BENAVIDES, STEWART, and HIGGINSON, Circuit Judges.

PER CURIAM:\*

Franklin L. Williams, federal prisoner # 12952-021, appeals from the denial of his Federal Rule of Civil Procedure 60(b)(6) motion, which followed the dismissal of his 28 U.S.C. § 2241 petition. Williams maintains that his Georgia state sentence is illegal because he was not indicted by a properly convened grand jury and because he received ineffective assistance of counsel. He challenges the district court's dismissal of those claims without allowing him to test the legality of his detention pursuant to the "savings clause" of 28 U.S.C.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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§ 2255(e) and thus without considering the merits of his claims. He moves for appointment of counsel.

Williams has failed to adequately brief the issue whether he should be allowed to pursue § 2241 relief under the savings clause of § 2255(e). He thus has abandoned that issue for appeal. *See Brinkmann v. Dallas County Deputy Sheriff Abner*, 813 F.2d 744, 748 (5th Cir. 1987). Moreover, even if he had developed his savings clause contention, Williams has not shown that the district court abused its discretion in denying his Rule 60(b)(6) motion (his post-judgment “memorandum of law”), as he cannot establish the existence of any “extraordinary circumstances” regarding the dismissal of his § 2241 petition. *See Hernandez v. Thaler*, 630 F.3d 420, 429 (5th Cir. 2011); *Bailey v. Cain*, 609 F.3d 763, 767 (5th Cir. 2010), *cert. denied*, 131 S. Ct. 931 (2011).

Williams is WARNED that frivolous, repetitive, or otherwise abusive filings will invite the imposition of sanctions, which may include dismissal, monetary sanctions, and restrictions on his ability to file pleadings in this court and any court subject to this court’s jurisdiction.

**AFFIRMED; MOTION DENIED; WARNING ISSUED.**