

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 00-40845
Summary Calendar

JUAN MORENO,

Petitioner-Appellant,

versus

UNITED STATES OF AMERICA;
ERNEST CHANDLER, Warden,

Respondents-

Appellees.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 1:00-CV-273

May 28, 2001

Before EMILIO M. GARZA, STEWART and PARKER, Circuit Judges.

PER CURIAM:*

Juan Moreno, federal prisoner # 46292-079, appeals the district court's dismissal of his 28 U.S.C. § 2241 petition because it sought to raise 28 U.S.C. § 2255 claims. Moreno states that the savings clause of 28 U.S.C. § 2255 applies to his case because the district court in the Southern District of Texas did not address the merits of his prior 28 U.S.C. 2255 motion and because this court did not grant him authorization to file a successive 28 U.S.C. § 2255 motion.

Moreno's arguments are without merit. See Pack v. Yusuff, 218 F.3d 448, 451-52 (5th Cir. 2000). The dismissal of his 28 U.S.C. § 2241 petition is AFFIRMED.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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