

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 00-41337
Conference Calendar

SAMGODSON ESSELL,

Petitioner-Appellant,

versus

JONATHAN DOBRE, Warden,

Respondent-Appellee.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 1:00-CV-595

April 11, 2001

Before JOLLY, HIGGINBOTHAM, and JONES, Circuit Judges.

PER CURIAM:*

Samgodson Essell, federal prisoner # 95560-012, appeals the district court's dismissal of his 28 U.S.C. § 2241 petition, in which he sought to raise a challenge to the legality of his sentence. Essell argues that his claim was properly brought in a § 2241 petition because relief under 28 U.S.C. § 2255 is inadequate as he cannot meet the requirements for filing a successive § 2255 motion.

Essell has failed to demonstrate that the district court erred in concluding that § 2255 relief was not inadequate. See

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Tolliver v. Dobre, 211 F.3d 876, 877 (5th Cir. 2000). The district court did not err in dismissing Essell's petition. This appeal is without arguable merit, is frivolous, and is therefore DISMISSED. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983); 5TH CIR. R. 42.2.