

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-10168
Summary Calendar

SWANSON DALTON,

Petitioner-Appellant,

versus

ROBERT GUZIK, Warden,
Federal Correctional Institution

Respondent-Appellee.

Appeals from the United States District Court
for the Northern District of Texas
USDC No. 4:00-CV-374-A

August 6, 2001

Before JOLLY, DAVIS, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Swanson Dalton, federal prisoner #15412-057, appeals the district court's dismissal of his 28 U.S.C. § 2241 petition. Dalton argues that he is entitled to a sentence reduction.

Dalton does not address the district court's reasons for dismissing his petition, namely that the court lacked jurisdiction to consider his petition and that the proper avenue of relief was for Dalton to request permission to file a successive 28 U.S.C. § 2255 motion. Therefore, Dalton has

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

abandoned the only issue before this court. See Brinkmann v. Dallas County Deputy Sheriff Abner, 813 F.2d 744, 748 (5th Cir. 1987). Dalton's contention that his petition was proper based on the savings clause of 28 U.S.C. § 2255, raised for the first time on appeal, does not constitute plain error. The district court's denial of Dalton's petition is affirmed.

AFFIRMED.