

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-10366
Conference Calendar

BYRON LAMONTE MCCUTCHEON,

Petitioner-Appellant,

versus

BOB GUZIK, Warden, Federal Medical
Center, Fort Worth, Texas,

Respondent-Appellee.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:00-CV-1754-A

August 21, 2001

Before KING, Chief Judge, and POLITZ and PARKER, Circuit Judges.

PER CURIAM:*

Byron Lamonte McCutcheon, federal prisoner #60246-080, appeals the district court's denial of his postjudgment motion challenging the judgment that dismissed his 28 U.S.C. § 2241 petition. McCutcheon's motion is construed as a Fed. R. Civ. P. 60(b) motion, the denial of which we review for abuse of discretion. *Travelers Ins. Co. v. Liljeberg Enter., Inc.*, 38 F.3d 1404, 1408 (5th Cir. 1994); *Hamilton Plaintiffs v. Williams Plaintiffs*, 147 F.3d 367, 371 n.10 (5th Cir. 1998).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

McCutcheon did not make the showing required to proceed under 28 U.S.C. § 2241. See *Reyes-Requena v. United States*, 243 F.3d 893, 904 (5th Cir. 2001). Accordingly, he has not shown that the district court's denial of his Fed. R. Civ. P. 60(b) motion was an abuse of discretion. See *Travelers Ins. Co.*, 38 F.3d at 1408. The judgment of the district court is AFFIRMED.