

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 01-40480  
Conference Calendar

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JAVIER RUIZ-AVILES,

Petitioner-Appellant,

versus

UNITED STATES OF AMERICA,

Respondent-Appellee.

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Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. 1:00-CV-374  
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December 12, 2001

Before HIGGINBOTHAM, BARKSDALE, and STEWART, Circuit Judges.

PER CURIAM:\*

Javier Ruiz-Aviles ("Ruiz"), federal inmate # 46217-079, appeals the district court's dismissal of his 28 U.S.C. § 2241 petition, in which he attacked the validity of his conviction.

Ruiz argues that his claim was properly brought in a 28 U.S.C. § 2241 petition because relief under 28 U.S.C. § 2255 is inadequate as he cannot meet the requirements for filing a successive § 2255 motion.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Ruiz has failed to demonstrate that the district court erred in concluding that 28 U.S.C. § 2255 relief was not inadequate. See Tolliver v. Dobre, 211 F.3d 876, 877 (5th Cir. 2000); see also Reyes-Requena v. United States, 243 F.3d 895, 906 n.34 (5th Cir. 2001). Therefore, the decision of the district court is AFFIRMED.