

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-20522
Conference Calendar

JUAN ANGEL LOPEZ,

Petitioner-Appellant,

versus

R. D. MILES, Warden,

Respondent-Appellee.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-01-CV-2997

October 29, 2002

Before DeMOSS, BENAVIDES, and STEWART, Circuit Judges.

PER CURIAM:*

Juan Angel Lopez, federal prisoner no. 60285-079, appeals from the denial of his petition seeking federal habeas relief under 28 U.S.C. § 2241. A jury convicted Lopez of drug-trafficking and firearms offenses, and this court affirmed his conviction and sentence in 1995. Lopez filed an unsuccessful motion to vacate his sentence under 28 U.S.C. § 2255 in 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

Because Lopez's present motion challenged the legality of his conviction, the district court correctly construed it as a second or successive motion under 28 U.S.C. § 2255. See Tolliver v. Dobre, 211 F.3d 876, 877-78 (5th Cir. 2000). The district court dismissed the successive motion because Lopez had failed to obtain this court's permission to file it as required by 28 U.S.C. § 2255. See id. at 877.

Lopez does not ask this court for leave to file a second or successive motion under 28 U.S.C. § 2255. Neither does Lopez show that he may bring his claim under 28 U.S.C. § 2241 on grounds that the remedy of 28 U.S.C. § 2255 is inadequate or ineffective. See Tolliver, 211 F.3d at 878.

The district court's judgment is AFFIRMED.