United States Court of Appeals
Fifth Circuit
F I L E D
October 21, 2003
Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 03-10457
Conference Calendar

DON BENNY ANDERSON,

Petitioner-Appellant,

versus

L. E. FLEMING,

Respondent-Appellee.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:03-CV-97-Y

Before KING, Chief Judge, and JOLLY and STEWART, Circuit Judges.

PER CURIAM:*

Don Benny Anderson, federal prisoner # 06260-026, appeals the district court's dismissal of his 28 U.S.C. § 2241 petition for failure to exhaust administrative remedies. Federal prisoners must exhaust "administrative remedies before seeking habeas relief in federal court under 28 U.S.C. § 2241." Fuller v. Rich, 11 F.3d 61, 62 (5th Cir. 1994). Exceptions to the exhaustion requirement apply "only in 'extraordinary circumstances'" when administrative remedies "are unavailable or

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

wholly inappropriate to the relief sought, or where the attempt to exhaust such remedies would itself be a patently futile course of action." Id. (internal quotations omitted).

Anderson has submitted no evidence demonstrating extraordinary circumstances to support his futility claim. Consequently, the district court's dismissal was not an abuse of discretion. See id.

AFFIRMED.