

August 28, 2006

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 05-20064
Conference Calendar

JAMES DOW VANDIVERE,

Petitioner-Appellant,

versus

HARLEY LAPPIN, Director, Federal Bureau of Prisons,

Respondent-Appellee.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:04-CV-4026

Before DAVIS, SMITH, and WIENER, Circuit Judges.

PER CURIAM:*

James Dow Vandivere, federal prisoner # 99078-011, is serving a 235-month prison term, imposed in the Northern District of California, for federal crimes related to child pornography and the sexual exploitation of children. Vandivere appeals the dismissal in the Southern District of Texas of his petition for habeas corpus filed under 28 U.S.C. § 2241.

Because Vandivere's claims pertain to the validity of his conviction and sentence, the district court properly construed

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

his application as a 28 U.S.C. § 2255 motion. See Tolliver v. Dobre, 211 F.3d 876, 877 (5th Cir. 2000); see also Reyes-Requena v. United States, 243 F.3d 893, 901 (5th Cir. 2001). The district court of the Southern District of Texas lacked jurisdiction over the § 2255 motion that challenged a sentence imposed in the Northern District of California. See § 2255. The judgment of district court is AFFIRMED.

All outstanding motions are DENIED.