

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

December 12, 2011

Lyle W. Cayce
Clerk

No. 11-10628
Summary Calendar

FRANKLIN L. WILLIAMS,

Petitioner-Appellant

v.

REBBECA TAMEZ, Warden, Federal Correctional Institution, Fort Worth,
Texas,

Respondent-Appellee

Appeals from the United States District Court
for the Northern District of Texas
USDC No. 4:11-CV-216

Before KING, JOLLY, and GRAVES, Circuit Judges.

PER CURIAM:*

Franklin L. Williams, federal prisoner # 12952-021, appeals from the dismissal of his 28 U.S.C. § 2241 petition, which the district court construed as a 28 U.S.C. § 2255 motion it lacked jurisdiction to entertain. Williams has failed to brief the issues whether the district court erred by construing his petition as challenging the legality of his confinement or whether he should be allowed to pursue § 2241 relief under the savings clause of § 2255(e). He has abandoned

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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those issues for appeal. *See Brinkmann v. Dallas County Deputy Sheriff Abner*, 813 F.2d 744, 748 (5th Cir. 1987).

Motions under § 2255 must be filed in the sentencing court. *Reyes-Requena v. United States*, 243 F.3d 893, 895 n.3 (5th Cir. 2001). Because Williams has failed to show that the district court erred by construing his § 2241 petition as a § 2255 motion, he also has failed to demonstrate that the district court erred by dismissing the constructive § 2255 motion for lack of jurisdiction.

Finally, Williams moves for appointment of counsel. He has not “demonstrated that the interests of justice would be served by the appointment of counsel.” *United States v. Tubwell*, 37 F.3d 175, 179 (5th Cir. 1994).

AFFIRMED. MOTION DENIED.