

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-11109

JIMMIE CHARLES CROW, JR.,

Petitioner-Appellant,

VERSUS

CHARLES TOMBONE, Warden, and FEDERAL CORRECTIONAL INSTITUTION,
SEAGOVILLE, TEXAS,

Respondents-Appellees.

Appeal from the United States District Court
For the Northern District of Texas

(3:96-CV-1980-G)

June 9, 1997

Before WIENER and PARKER, Circuit Judges and LITTLE, District
Judge.*

PER CURIAM:**

*District Judge of the Western District of Louisiana, sitting by
designation.

** Pursuant to Local Rule 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this opinion should not be published and is not precedent except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 Local Rule 47.5.4.

Jimmy Crow, Jr., federal prisoner # 07225-062, appeals an order dismissing his "Petition for Writ of Mandamus or in the Alternative a Writ of Certiorari."

The procedure relative to magistrate referral used in this case was not unconstitutional. *See Koetting v. Thompson*, 995 F.2d 37, 39 (5th Cir. 1993).

Crow has failed to carry his burden of establishing his entitlement to a writ of mandamus. *See In re American Marine Holding Co.*, 14 F.3d 276, 277 (5th Cir. 1994). To the extent that he contends that his petition for a writ of mandamus should be liberally construed as an appeal from the denial of his § 2241 motion, this argument is also unavailing. *See id.*

AFFIRMED.