

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-30240
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

STEVEN DUANE VUTERA,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Middle District of Louisiana
USDC No. 94-CR-90-A
- - - - -

June 17, 1998

Before DAVIS, PARKER, and DENNIS, Circuit Judges.

PER CURIAM:*

Steven Duane Vutera appeals the district court's denial of his "Motion to Change 'Crime of Violence' Status in Defendant's B.O.P. Records." He argues that the district court erred in holding that his argument was foreclosed by Venegas v. Henman, 126 F.3d 760, 765 (5th Cir. 1997), cert. denied, 118 S. Ct. 1679 (1998). We have reviewed the record and the briefs of the parties and hold that Vutera's was an unauthorized motion and the district court lacked the jurisdiction to consider it. See

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

United States v. Gabor, 905 F.2d 76, 76 (5th Cir. 1990).

Vutera's motion was, in effect, a habeas corpus petition under 28 U.S.C. § 2241 that must be filed in the judicial district in which he is incarcerated. See Venegas. We do not suggest that Vutera refile his motion in the United States District Court in the district in which he is incarcerated as a habeas petition since the issue of custody reduction is a matter of discretion with the Bureau of Prisons. Venegas.

AFFIRMED.