

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

December 14, 2007

No. 06-11333
Summary Calendar

Charles R. Fulbruge III
Clerk

MARTIN ALANIZ SANCHEZ

Petitioner-Appellant

v.

DAN JOSLIN

Respondent-Appellee

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:06-CV-138

Before HIGGINBOTHAM, STEWART, and OWEN, Circuit Judges.

PER CURIAM:*

Martin Alaniz Sanchez, federal prisoner #31293-177, filed the instant 28 U.S.C. § 2241 petition to challenge a disciplinary conviction. The district court dismissed the petition for want of exhaustion, and Alaniz Sanchez appeals that dismissal. Alaniz Sanchez argues that pursuit of administrative remedies was futile because officials could not have granted him relief and because officials likely would have denied any grievance that he would have filed. He further argues that he was actually innocent of the disciplinary charges.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Alaniz Sanchez has failed to establish that the district court abused its discretion by dismissing his suit. See *Fuller v. Rich*, 11 F.3d 61, 62 (5th Cir. 1994). Alaniz Sanchez has not shown that he exhausted his administrative remedies, nor has he shown that his is the extraordinary case in which exhaustion should be excused. See *id.* Because Alaniz Sanchez's claim under the Federal Tort Claims Act is raised for the first time in this appeal, we decline to consider it. See *Martinez v. Tex. Dep't of Criminal Justice*, 300 F.3d 567, 574 (5th Cir. 2002). The judgment of the district court is **AFFIRMED**.