

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-10234
Conference Calendar

JUAN RAMON MARTINEZ,

Petitioner-Appellant,

versus

L. E. FLEMING, Warden,

Respondent-Appellee.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:01-CV-826-A

October 30, 2002

Before DeMOSS, BENAVIDES, and STEWART, Circuit Judges.

PER CURIAM:*

Juan Ramon Martinez, federal prisoner #04139-030, appeals from the denial of his petition seeking relief under 28 U.S.C. § 2241. The district court held, because Martinez was challenging the legality of his conviction, his claim must be raised in a motion filed pursuant to 28 U.S.C. § 2255 and that Martinez had failed to show that the savings clause of 28 U.S.C. § 2255 was applicable. A prior unsuccessful 28 U.S.C. § 2255

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

motion does not render that remedy inadequate or ineffective.

See Tolliver v. Dobre, 211 F.3d 876, 878 (5th Cir. 2000).

Martinez has failed to show on appeal that he is entitled to application of the savings clause.

Accordingly, the district court's judgment is AFFIRMED.