

March 31, 2003

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-11281
Summary Calendar

JOSEPH DAVID BRODIN

Petitioner - Appellant

v.

L E FLEMING, Warden, Federal Medical Center, Forth Worth

Respondent - Appellee

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:02-CV-797-Y

Before KING, Chief Judge, and WIENER and CLEMENT, Circuit Judges.

PER CURIAM:*

Joseph David Brodin (Brodin), federal prisoner # 09360-023, appeals the district court's dismissal of his petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. Brodin's petition stemmed from his 1997 convictions in the United States District Court for the District of Idaho for conspiracy to defraud the United States, mailing threatening communications, and intimidating and impeding an officer of a court of the United

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

States. The district court determined that the claims were not cognizable under 28 U.S.C. § 2241 and dismissed the petition.

Brodin's claims all pertain to alleged errors that occurred before or at sentencing. Such claims must be raised by way of a 28 U.S.C. § 2255 motion in the sentencing court, and are not cognizable under 28 U.S.C. § 2241. See Pack v. Yusuff, 218 F.3d 448, 451 (5th Cir. 2000). Brodin has made no showing that he is entitled to relief under the 28 U.S.C. § 2255 savings clause. See Henderson v. Haro, 282 F.3d 862, 863 (5th Cir. 2002).

This appeal is without arguable merit and is frivolous. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983). Because the appeal is frivolous, it is DISMISSED. See 5TH CIR. R. 42.2.

APPEAL DISMISSED.