

August 20, 2003

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 02-11394  
Conference Calendar

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GARY WILLIAM HOLT,

Petitioner-Appellant,

versus

L.E. FLEMING, Warden,  
Federal Medical Center-Fort Worth,

Respondent-Appellee.

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 4:02-CV-704-Y  
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Before JONES, WIENER, and BENAVIDES, Circuit Judges.

PER CURIAM:\*

Gary William Holt ("Holt"), federal prisoner number 33069-138, appeals the district court's order dismissing with prejudice Holt's petition for writ of habeas corpus. Holt argues that the district court erred in finding that he did not satisfy the requirements for filing a 28 U.S.C. § 2241 petition under 28 U.S.C. § 2255's "savings clause."

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Holt has not met his burden of showing that he meets the requirements for filing a § 2241 petition under the savings clause of § 2255. He has neither pointed to a retroactively applicable Supreme Court decision which establishes that he may have been imprisoned for conduct that was not prohibited by law nor shown how his claim was foreclosed by circuit law at the time of his guilty-plea conviction, appeal, or first § 2255 motion. See Reyes-Requena v. United States, 243 F.3d 893, 903-04 (5th Cir. 2001). The district court did not err when it declined to rule on Holt's requests that it take judicial notice, as a court is presumed to know the relevant law. See Anderson v. Collins, 18 F.3d 1208, 1222 (5th Cir. 1994).

AFFIRMED.