

April 21, 2003

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-30797
Conference Calendar

THOMAS E. LITTLE,

Petitioner-Appellant,

versus

U.S. PAROLE COMMISSION; JOSEPH HARO,

Respondents-Appellees.

- - - - -
Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 02-CV-565
- - - - -

Before DAVIS, BARKSDALE, and STEWART, Circuit Judges.

PER CURIAM:*

Thomas E. Little, federal prisoner no. 07142-018, appeals the district court's dismissal of his 28 U.S.C. § 2241 petition for failure to exhaust administrative remedies.

Federal prisoners must exhaust "administrative remedies before seeking habeas relief in federal court under 28 U.S.C. § 2241." Fuller v. Rich, 11 F.3d 61, 62 (5th Cir. 1994). We review the dismissal of a § 2241 petition for failure to exhaust under the abuse-of-discretion standard. Id.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Little contends that he exhausted his administrative remedies by filing an appeal with the National Appeals Board "right after" he filed his habeas petition, even though there has been no ruling on that appeal. Even if Little filed an appeal, there is no indication that it has been ruled on so that the administrative process is complete. Moreover, Little does not show that completion of the administrative-remedy process would be so futile as to warrant a waiver of the exhaustion requirement. The district court did not abuse its discretion by dismissing Little's petition without prejudice. Accordingly, the district court's judgment is AFFIRMED.

Little also moves for an expedited ruling on his appeal or for bond pending appeal. The motions are DENIED.

JUDGMENT AFFIRMED; MOTIONS DENIED.