

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-40713
Conference Calendar

AURELIO HEREDIA FUENMAYOR,

Petitioner-Appellant,

versus

N. L. CONNER, Warden,

Respondent-Appellee.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 5:01-CV-101

February 19, 2003

Before WIENER, EMILIO M. GARZA, and CLEMENT, Circuit Judges

PER CURIAM:*

Aurelio Heredia Fuenmayor, federal prisoner #34560-004, appeals from the district court's dismissal of his 28 U.S.C. § 2241 petition. Fuenmayor argues that his conviction was rendered nonexistent by the ineffective assistance of his defense counsel. The district court concluded that, because Fuenmayor's petition challenged the legality of his convictions, it was in the nature of a 28 U.S.C. § 2255 motion to vacate, but that

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Fuenmayor had not satisfied the "savings clause" of that statute. See Pack v. Yusuff, 218 F.3d 448, 452 (5th Cir. 2000).

Fuenmayor has failed to make the requisite showing that the remedy provided for under 28 U.S.C. § 2255 is inadequate or ineffective to test the legality of his detention. See Reyes-Requena v. United States, 243 F.3d 893, 904 (5th Cir. 2001). Accordingly, the district court's judgment is AFFIRMED.