

**June 24, 2003**

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

---

No. 02-61030  
Conference Calendar

---

DON FAIRFIELD,

Plaintiff-Appellant,

versus

WARDEN YUSUFF; KATHLEEN HAWK SAWYER, Bureau of  
Prisons Director,

Defendants-Appellees.

-----  
Appeal from the United States District Court  
for the Southern District of Mississippi  
USDC No. 5:02-CV-117-RG  
-----

Before DeMOSS, DENNIS, and PRADO, Circuit Judges.

PER CURIAM:\*

Don Fairfield, federal prisoner # 00875-018, appeals the district court's dismissal of his petition for a writ of habeas corpus, filed pursuant to 28 U.S.C. § 2241. Fairfield's petition stemmed from his conviction and sentence for assaulting an employee of the United States Postal Inspection Service with a deadly weapon in violation of 18 U.S.C. § 111.

---

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

The district court did not err in dismissing the petition. All of Fairfield's claims pertain to alleged errors that occurred at or prior to sentencing, and thus are not cognizable under 28 U.S.C. § 2241. See Pack v. Yusuff, 218 F.3d 448, 451 (5th Cir. 2000). Fairfield's claims also do not satisfy the test for filing a 28 U.S.C. § 2241 petition pursuant to 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 thus 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. All outstanding motions are DENIED.

APPEAL DISMISSED; MOTIONS DENIED.