

February 18, 2004

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 03-10619  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

PAUL Z. LOWDER,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 3:96-CR-70-1-G  
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Before HIGGINBOTHAM, EMILIO M. GARZA, and PRADO, Circuit Judges.

PER CURIAM:\*

Paul Z. Lowder, federal prisoner # 29028-077, appeals the district court's denial of his petition invoking 28 U.S.C. § 2241. Because Lowder's 28 U.S.C. § 2241 petition challenged the legality of his conviction, Lowder had to show that 28 U.S.C. § 2255 provided him with an inadequate or ineffective remedy. See Pack v. Yusuff, 218 F.3d 448, 452 (5th Cir. 2000).

Lowder fails to identify any authority demonstrating that he was convicted of a non-existent offense for purposes of

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

satisfying the savings clause provisions of 28 U.S.C. § 2255. See Reyes-Requena v. United States, 243 F.3d 893, 904 (5th Cir. 2001). Rather, Lowder's claim of "actual innocence" is based on the argument that his conviction was obtained pursuant to a faulty indictment. Because Lowder fails to demonstrate that relief pursuant to 28 U.S.C. § 2255 is inadequate or ineffective, the district court's judgment is AFFIRMED.