

May 28, 2003

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

No. 03-30008
Summary Calendar

EUGENE MORRIS,

Petitioner-Appellant,

versus

CARL CASTERLINE,

Respondent-Appellee.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 02-CV-1939

Before REAVLEY, SMITH and STEWART, Circuit Judges.

PER CURIAM:*

Eugene Morris, federal prisoner number 21068-009, appeals the district court's order denying and dismissing with prejudice his application for writ of habeas corpus. Morris 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."

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Morris 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).

AFFIRMED.