

February 17, 2004

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 03-50592  
Conference Calendar

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SAMUEL LLOYD DEBLASIO,

Petitioner-Appellant,

versus

W. SISNEROS, Warden, Federal Correctional Institution,  
Bastrop, Texas,

Respondent-Appellee.

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. A-02-CV-712-JN  
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Before HIGGINBOTHAM, EMILIO M. GARZA, and PRADO, Circuit Judges.

PER CURIAM:\*

Samuel DeBlasio, federal prisoner # 68209-079, appeals from the district court's order denying his motion for reinstatement of his 28 U.S.C. § 2241 petition. The district court did not abuse its discretion in denying DeBlasio's motion because the court had previously granted DeBlasio's motion to dismiss his 28 U.S.C. § 2241 petition without prejudice. See Aucoin v. K-Mart Apparel Fashion Corp., 943 F.2d 6, 8-9 (5th Cir. 1991);

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Long v. Bd. of Pardons and Paroles, 725 F.2d 306, 306-07

(5th Cir. 1984). DeBlasio's request for appointment of counsel is DENIED.

AFFIRMED; MOTION DENIED