

February 23, 2005

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 04-41007
Conference Calendar

TOMMY ALEXANDER, SR.,

Petitioner-Appellant,

versus

R.D. MILES, Warden,

Respondent-Appellee.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 1:04-CV-296-MAC-ESH

Before BARKSDALE, GARZA, and STEWART, Circuit Judges.

PER CURIAM:*

Tommy Alexander, Sr., federal prisoner # 07193-035, appeals the district court's dismissal of his 28 U.S.C. § 2241 petition challenging his 1990 convictions on multiple drug and firearm counts that resulted in a sentence that includes concurrent terms of life imprisonment. He argues that he is entitled to proceed pursuant to 28 U.S.C. § 2241 because the 28 U.S.C. § 2255 remedy is inadequate or ineffective. He also argues the merits of several claims for relief.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Alexander has not met his burden of showing that he meets the requirements for filing a 28 U.S.C. § 2241 petition under the savings clause of 28 U.S.C. § 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 that his claims were foreclosed by circuit law at the time of his conviction, appeal, or first 28 U.S.C. § 2255 motion. See Reyes-Reguena v. United States, 243 F.3d 893, 903-04 (5th Cir. 2001).

AFFIRMED.