

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

October 24, 2007

No. 06-41184
Conference Calendar

Charles R. Fulbruge III
Clerk

JERRY LEWIS DEDRICK

Petitioner-Appellant

v.

T C OUTLAW, Warden; UNITED STATES OF AMERICA

Respondents-Appellees

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 1:06-CV-283

Before JOLLY, BENAVIDES, and STEWART, Circuit Judges.

PER CURIAM:*

Jerry Lewis Dедrick, federal prisoner # 27140180, appeals the district court's denial of his 28 U.S.C. § 2241 petition challenging his guilty plea conviction and sentence for aiding and abetting the possession of more than 50 grams of cocaine base with intent to distribute. The district court denied Dедrick's § 2241 petition because he had not shown that his claims satisfied the requirements of the 28 U.S.C. § 2255 savings clause. Dедrick argues that the indictment was invalid because it was not notarized or stamped with the

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

"Government Seal of Certification of Notarization" and was not signed by the grand jury foreperson. He argues that he was never in possession of any drugs and that the Government lied in the indictment and forged the indictment. He argues that the district court erred in not addressing the merits of his claims.

In order to satisfy the criteria of § 2255's savings clause, Dedrick must show that his claims are based on a retroactively applicable Supreme Court decision which establishes that he may have been convicted of a nonexistent offense and that the claims were foreclosed by circuit law at the time when they should have been raised at trial, on appeal, or in an initial § 2255 motion. See *Reyes-Requena v. United States*, 243 F.3d 893, 904 (5th Cir. 2001). Dedrick has not made the requisite showing. Accordingly, the district court's dismissal of Dedrick's § 2241 petition is AFFIRMED. Dedrick's "Motion to Grant Amended State a Claim Upon Which Relief May Be Granted In Appellant's Brief" is DENIED.