

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

United States Court of Appeals  
Fifth Circuit

**FILED**

April 15, 2008

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No. 07-41031  
Conference Calendar

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Charles R. Fulbruge III  
Clerk

ALBERTO ALANIZ, JR

Petitioner-Appellant

v.

JOHN B FOX, Warden; UNITED STATES OF AMERICA

Respondents-Appellees

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Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. 1:07-CV-292

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Before PRADO, OWEN, and SOUTHWICK, Circuit Judges.

PER CURIAM:\*

Alberto Alaniz, Jr., federal prisoner # 08779-045, appeals the district court's dismissal of his 28 U.S.C. § 2241 petition in which he challenged his 240-month sentence for conspiracy to distribute marijuana. The district court determined that Alaniz could not proceed under § 2241 because his claims did not satisfy the requirements of the "savings clause" of 28 U.S.C. § 2255(e).

Alaniz's brief is entirely devoted to the merits of his claims for relief. Alaniz has not argued, much less shown, that he is entitled to proceed under

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

§ 2241 based on the savings clause of § 2255(e). See *Reyes-Requena v. United States*, 243 F.3d 893, 900-01, 904 (5th Cir. 2001). Alaniz has waived the issue by failing to brief it. See *Yohey v. Collins*, 985 F.2d 222, 224-25 (5th Cir. 1993); *Brinkmann v. Dallas County Deputy Sheriff Abner*, 813 F.2d 744, 748 (5th Cir. 1987).

The judgment of the district court is AFFIRMED.