

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

February 27, 2012

Lyle W. Cayce
Clerk

No. 11-60474
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

CHRISTOPHER L. JOHNSON,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. 1:02-CR-57-1

Before GARZA, SOUTHWICK, and HAYNES, Circuit Judges.

PER CURIAM:*

Following his conviction for one charge of possessing between five and 50 grams of cocaine base with intent to distribute, Christopher L. Johnson, prisoner # 07372-043, was sentenced to serve 188 months in prison and a five-year term of supervised release. Johnson filed a motion requesting a nunc pro tunc judgment that is best construed as arising under 28 U.S.C. § 2241 because it raised a claim seeking credit towards Johnson's federal sentence for time previously spent in state custody. *See United States v. Brown*, 753 F.2d 455, 456

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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(5th Cir. 1985). The district court denied Johnson's motion, and he now moves this court for authorization to proceed in forma pauperis (IFP) on appeal.

Our review of the record and pertinent authority shows that the district court, which sentenced Johnson, lacked jurisdiction over Johnson's § 2241 petition because this petition should have been filed in the district where he was incarcerated. *See Pack v. Yusuff*, 218 F.3d 448, 451 (5th Cir. 2000). Consequently, the district court should have dismissed Johnson's § 2241 petition for want of jurisdiction. Johnson's motion to proceed IFP on appeal is DENIED, and his appeal is DISMISSED as frivolous. *See 5TH CIR. R. 42.2.*