

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

United States Court of Appeals
Fifth Circuit

FILED

December 23, 2013

Lyle W. Cayce
Clerk

No. 13-10713
Summary Calendar

ANTOINE EARL POWELL,

Petitioner-Appellant

v.

RODNEY W. CHANDLER,

Respondent-Appellee

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:14-CV-493

Before JOLLY, SMITH, and CLEMENT, Circuit Judges.

PER CURIAM:*

Antoine Earl Powell, federal prisoner # 56375-180, appeals from the dismissal of his 28 U.S.C. § 2241 petition challenging his sentence following his guilty plea to possession with the intent to distribute at least 50 grams of crack cocaine and possession of a firearm during the commission of a drug trafficking crime. We review the dismissal de novo. *Pack v. Yusuff*, 218 F.3d 448, 451 (5th Cir. 2000).

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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As the district court determined, Powell seeks to challenge the validity of his sentence rather than the manner in which his sentence has been executed, his petition properly arises under 28 U.S.C. § 2255. *Id.* at 451-52. A § 2255 motion must be brought by the movant in the court that sentenced him. § 2255(a); *Ojo v. INS*, 106 F.3d 680, 683 (5th Cir. 1997). The district court did not impose the sentence at issue; thus, it did not err by dismissing the petition rather than construing it as a § 2255 motion. *See Ojo*, 106 F.3d at 683. The judgment is affirmed.

AFFIRMED.