

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

No. 13-30684
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

November 21, 2013

Lyle W. Cayce
Clerk

OSCAR HILLS, IV,

Petitioner-Appellant

v.

WARDEN M. D. CARVAJAL,

Respondent-Appellee

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 1:12-CV-3061

Before JOLLY, SMITH, and CLEMENT, Circuit Judges.

PER CURIAM:*

Oscar Hills, IV, federal prisoner # 05251-095, appeals the dismissal of his 28 U.S.C. § 2241 petition for lack of jurisdiction. He argues that his remedy under 28 U.S.C. § 2255 for challenging his wire fraud convictions is inadequate and ineffective because this court, after partially granting him a certificate of appealability on an issue raised in his § 2255 motion, remanded his case to the district court instead of addressing his appeal and reversing his convictions.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No. 13-30684

He also complains that the district court did not address his claim of actual innocence. Finally, he argues that it was proper for him to raise his claims in a § 2241 petition because he is challenging the fact and duration of his unconstitutional confinement.

As a general rule, a federal prisoner who seeks to collaterally challenge the legality of his conviction or sentence must file a § 2255 motion. *Padilla v. United States*, 416 F.3d 424, 426-27 (5th Cir. 2005). Such claims may be raised in a § 2241 petition under the savings clause of § 2255(e) only if the prisoner shows that the § 2255 remedy is “inadequate or ineffective to test the legality of his detention.” § 2255(e). Hills has not made such a showing as he has not established that his claims are based on a retroactively applicable Supreme Court decision establishing that he was convicted of a nonexistent offense. *See Padilla*, 416 F.3d at 426-27; *Reyes-Requena v. United States*, 243 F.3d 893, 904 (5th Cir. 2001).

The district court’s dismissal of Hills’s § 2241 petition is AFFIRMED. Hills’s motion for the appointment of counsel is DENIED.