

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

United States Court of Appeals
Fifth Circuit

FILED

March 13, 2014

Lyle W. Cayce
Clerk

No. 13-60637
Summary Calendar

JOE LOUIS HARRELL,

Plaintiff-Appellant

v.

UNITED STATES OF AMERICA,

Defendant -Appellee

Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. 5:13-CV-94

Before WIENER, OWEN, and HAYNES, Circuit Judges.

PER CURIAM:*

Joe Louis Harrell, federal prisoner # 06030-003, appeals from the dismissal of his 28 U.S.C. § 2241 petition that challenged his sentence and his conviction of conspiracy to possess crack cocaine with the intent to distribute and two counts of possession of crack cocaine with the intent to sell. We review the district court's dismissal of the § 2241 petition 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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, because Harrell 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. *Pack*, 218 F.3d 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.