

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

No. 15-50592
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

May 9, 2016

Lyle W. Cayce
Clerk

NATHAN LEE COOK,

Petitioner-Appellant

v.

MICHAEL PEARCE, Warden, Bastrop Federal Correctional Institution,

Respondent-Appellee

Appeal from the United States District Court
for the Western District of Texas
USDC No. 1:14-CV-913

Before GRAVES, HIGGINSON, and COSTA, Circuit Judges.

PER CURIAM:*

Nathan Lee Cook, federal prisoner # 11280-078, appeals the dismissal of his 28 U.S.C. § 2241 petition for abuse of the writ. He is serving a sentence for federal drug and firearm offenses. Cook's petition alleged that he is being unlawfully detained because he has not been given credit for time served while he was in state custody. Also, he moves for leave to proceed in forma pauperis (IFP).

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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. 15-50592

Because Cook's § 2241 petition raised legal claims that were rejected in a prior § 2241 proceeding, *see Cook v. Meeks*, Civ. No. 12-179, 2014 WL 2154897 (W.D. Penn. May 22, 2014), the district court did not abuse its discretion when it dismissed the new § 2241 petition for abuse of the writ. *See* 28 U.S.C. § 2244(a); *United States v. Tubwell*, 37 F.3d 175, 177-78 (5th Cir. 1994). We DISMISS Cook's appeal as frivolous, *see* 5TH CIR. R. 42.2, and DENY his IFP motion.