

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

No. 16-20130
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

June 2, 2016

Lyle W. Cayce
Clerk

SHANNON KEITH HARRIS,

Petitioner–Appellant,

versus

WARDEN FRANCISCO QUINTANA,

Respondent–Appellee.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:15-CV-3416

Before REAVLEY, SMITH, and HAYNES, Circuit Judges.

PER CURIAM:*

Shannon Harris, federal prisoner # 16186-179, appeals the dismissal of

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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his 28 U.S.C. § 2241 petition in which he claimed that he is actually innocent of his sentencing enhancement and that 28 U.S.C. § 2255's savings clause permitted him to bring this claim in a § 2241 petition. Harris is not required to obtain a certificate of appealability. *See Padilla v. United States*, 416 F.3d 424, 425 (5th Cir. 2005).

When Harris filed his claim for relief in the Southern District of Texas, he was incarcerated in Kentucky. The district court thus lacked jurisdiction to consider the § 2241 petition because Harris was required to bring it in the district where he was confined. *See Padilla*, 416 F.3d at 426; *Lee v. Wetzel*, 244 F.3d 370, 373 (5th Cir. 2001).

Accordingly, the judgment of dismissal is **AFFIRMED**. Harris's motion for release pending appeal is **DENIED**.