

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 93-8479
Conference Calendar

JULIAN SCOTT ESPARZA,

Plaintiff-Appellant,

versus

S. O. WOODS, JR., and
DAN MORALES, Atty. General,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Western District of Texas
USDC No. DR-93-CV-24
- - - - -
(October 28, 1993)

Before POLITZ, Chief Judge, and SMITH and WIENER, Circuit Judges.

PER CURIAM:*

Julian Scott Esparza is confined in the Texas Department of Criminal Justice's Institutional Division at Amarillo, Texas. The Amarillo Division is located in the Northern U.S. Judicial District. Esparza filed a federal application for habeas corpus relief in the Del Rio Division of the Western District of Texas. He challenged his state conviction for unlawful possession of a firearm by a convicted felon in Brazos County, Texas, which is

* Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

located in the Houston Division of the U.S. District Court for the Southern District of Texas. He appeals the judgment of the district court dismissing the action without prejudice for lack of jurisdiction.

Section 2241 "specifies the court in which a petition attacking a state court judgment must be brought." Story v. Collins, 920 F.2d 1247, 1250 (5th Cir. 1991). The application may be filed either in the district where the prisoner was convicted and sentenced or the district where he/she is incarcerated. Id.

Section 2241 precludes Esparza from challenging his conviction for unlawful possession of a firearm in the Western District. If he is attempting to argue that the Western District has jurisdiction because his sentence for unlawful possession is concurrent with his sentence for an attempted murder conviction in Uvalde County, there is no authority for that proposition, and his argument fails. Esparza may file his application in either the Northern District or the Southern District.

AFFIRMED.