

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-10296
Summary Calendar

RICHARD JAMES BARNARD,

Plaintiff-Appellant,

versus

UNITED STATES PAROLE COMMISSION,

Defendant-Appellee.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:94-CV-1647-G
- - - - -

January 3, 1997

Before REAVLEY, BARKSDALE and DENNIS, Circuit Judges.

PER CURIAM:*

Richard James Barnard appeals the district court's dismissal of a petition for habeas relief brought pursuant to 28 U.S.C. § 2241; a claim for violation of the Freedom of Information Act (FOIA) brought pursuant to 5 U.S.C. § 552; and a claim for violation of the Privacy Act brought pursuant to 5 U.S.C. § 552a. As Barnard was not incarcerated in the Northern District of Texas

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

when he first asserted his 28 U.S.C. § 2241 petition and as he is not currently incarcerated therein, the district court lacked jurisdiction over Barnard's petition for habeas relief. See United States v. Brown, 753 F.2d 455 (5th Cir. 1985). We affirm the district court's decision regarding Barnard's FOIA and Privacy Act claims for essentially the same reasons stated by the magistrate judge. Barnard v. United States Parole Commission, 3:94-CV-1647-G (N.D. Tex. Jan. 24, 1996).

AFFIRMED.