

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-50149
Summary Calendar

TYRONE FARRIS,

Petitioner-Appellant,

versus

STATE OF OKLAHOMA,

Respondent-Appellee.

Appeal from the United States District Court
for the Western District of Texas
USDC No. W-96-CV-37

May 31, 1996
Before DAVIS, BARKSDALE and DeMOSS, Circuit Judges.

PER CURIAM:*

Tyrone Farris appeals a district court judgment dismissing his petition for a writ of habeas corpus construed as being pursuant to 28 U.S.C. § 2241 by the district court. He has filed a motion for a certificate of probable cause (CPC) pursuant to Fed. R. App. P. 22(b).

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

Because Farris' petition does not contest the legality of his conviction or the validity of his initial sentence, his motion for a CPC to appeal the dismissal of his § 2241 petition is DENIED AS UNNECESSARY.

Farris addresses the merits of his alleged constitutional claim arising out of his transfer, but he does not address the basis of the district court's dismissal for failure to exhaust state remedies. Failure to identify any error in the district court's analysis is the same as if the appellant had not appealed that judgment. Brinkmann v. Dallas County Deputy Sheriff Abner, 813 F.2d 744, 748 (5th Cir. 1987).

Accordingly, Farris' application for a certificate of probable cause is DENIED AS UNNECESSARY, and the judgment of the district court is AFFIRMED.