

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-40853
Summary Calendar

MICHAEL ANDERSON GILBERT,

Petitioner-Appellant,

versus

MICHAEL PURDY, Warden;
U.S. PAROLE COMMISSION,

Respondents-Appellees.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. C-97-CV-276
- - - - -

August 6, 1999

Before DAVIS, EMILIO M. GARZA, and DENNIS, Circuit Judges.

PER CURIAM:*

Michael Anderson Gilbert, federal prisoner # 52595-080, appeals the district court's dismissal of his 28 U.S.C. § 2241 petition for abuse of the writ of habeas corpus. Gilbert argues that the parole commission improperly imposed parole conditions that he participate in a drug aftercare program and abstain from alcohol.

Gilbert filed two previous petitions under § 2241, but did not challenge the parole provisions in either of these petitions.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

He now appeals the dismissal of his third § 2241 petition in which he challenges the parole provisions. A second or successive habeas petition that raises a claim for the first time is generally regarded as an abuse of the writ, unless the petitioner can show cause for his failure to raise the claim and prejudice from the errors which form the basis of his complaint; or that a refusal to hear the claim will result in a fundamental miscarriage of justice. *McCleskey v. Zant*, 499 U.S. 467, 493-95 (1991). Gilbert has failed to demonstrate sufficient cause for his failure to challenge the parole conditions in his earlier § 2241 petitions. Accordingly, the district court's dismissal of Gilbert's petition for abuse of the writ is AFFIRMED.