

February 13, 2007

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 05-51041
Conference Calendar

JUAN VICENTE CADERNO,

Petitioner-Appellant,

versus

RUDY FRANCO, Warden of Reeves County Detention Center,

Respondent-Appellee.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 4:03-CV-88

Before BARKSDALE, GARZA, and CLEMENT, Circuit Judges.

PER CURIAM:*

Juan Vicente Caderno, federal prisoner # 35223-004, appeals the denial of his 28 U.S.C. § 2241 petition challenging his cocaine-related convictions. The district court held that while styled as a § 2241 petition, his pleading was subject to dismissal without prejudice as an unauthorized successive 28 U.S.C. § 2255 motion. Caderno has inadequately briefed the issue whether the district court erred by construing his pleading as such and instead merely recites the law pertaining to the filing of § 2241 petitions without applying it to the facts 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

his case. He does not address the issues whether the § 2255 remedy is inadequate or ineffective or, alternatively, whether he meets the criteria for filing a successive § 2255 motion. He has therefore waived review of these issues. See Brinkman v. Dallas County Deputy Sheriff Abner, 813 F.2d 744, 748 (5th Cir. 1987).

AFFIRMED.