

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

April 8, 2011

Lyle W. Cayce
Clerk

No. 10-10725
Summary Calendar

SHIRLEY L. ALDRIDGE,

Petitioner-Appellant

v.

JOE KEFFER, Warden, FMC-Carswell,

Respondent-Appellee

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:10-CV-78

Before REAVLEY, DENNIS, and CLEMENT, Circuit Judges.

PER CURIAM:*

Shirley L. Aldridge, federal prisoner # 17829-045, filed a 28 U.S.C. § 2241 petition challenging her incarceration resulting from her conviction for five counts of aiding and abetting the filing of false income tax returns. The district court dismissed Aldridge's § 2241 petition, and this court dismissed Aldridge's appeal from the dismissal of her § 2241 petition for lack of jurisdiction because Aldridge did not file a timely notice of appeal. *Aldridge v. Keffer*, No. 10-10725, slip op. at 1-2 (5th Cir. Oct. 6, 2010) (unpublished).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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After dismissing Aldridge's § 2241 petition, the district court denied Aldridge a certificate of appealability (COA). Aldridge now appeals the district court's order denying her a COA.

Aldridge argues that the district court erred by dismissing her § 2241 petition and denying her post-judgment motions. She does not, however, raise any challenges to the district court's order denying her a COA. As this court has already dismissed Aldridge's appeal from the dismissal of her § 2241 motion, the only matter presently before us is her appeal from the district court's order denying her a COA. By failing to raise any challenge to the district court's order denying her a COA, Aldridge has waived the only issue before this court. *See Hughes v. Johnson*, 191 F.3d 607, 613 (5th Cir. 1999). Furthermore, as a COA is not required to appeal the denial of a § 2241 petition and Aldridge's appeal from the dismissal of her § 2241 petition has already been dismissed, any possible error in the district court's COA order would be harmless. *See Ojo v. INS*, 106 F.3d 680, 681 (5th Cir. 1997).

Aldridge's appeal is without arguable merit. Accordingly, it is dismissed as frivolous. *See* 5TH CIR. R. 42.2; *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983).

APPEAL DISMISSED.