

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-40943
Summary Calendar

BASILIO ANGULO-LOPEZ,

Petitioner-Appellant,

versus

J. DOBRE, Warden,

Respondent-Appellee.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 1:02-CV-298

October 2, 2002

Before BARKSDALE, DeMOSS, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Basilio Angulo-Lopez ("Angulo"), federal prisoner # 20864-086, appeals the district court's dismissal of his petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241, stemming from Angelo's 1993 drug-conspiracy conviction and sentence. The district court determined that Angulo's claim that his sentence violated the Eighth Amendment was not cognizable under 28 U.S.C. § 2241 and dismissed the petition.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Angulo argues that he would have filed a brief in the district court raising issues concerning the execution of his sentence, but he does not explain the basis for such a challenge. Because it was apparent that his 28 U.S.C. § 2241 petition challenged only the validity of his sentence, the district court did not err in dismissing the petition. See Pack v. Yusuff, 218 F.3d 448, 451 (5th Cir. 2000).

This appeal is without arguable merit and is frivolous. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983). Because the appeal is frivolous, it is dismissed. See 5TH CIR. R. 42.2.

APPEAL DISMISSED.