

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

June 3, 2021

Lyle W. Cayce
Clerk

No. 19-11378
Summary Calendar

LEROY NELSON,

Petitioner—Appellant,

versus

RICK MARQUES, *Warden,*

Respondent—Appellee.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 1:19-CV-162

Before HIGGINBOTHAM, JONES, and COSTA, *Circuit Judges.*

PER CURIAM:*

Leroy Nelson, federal prisoner # 46172-177, appeals the dismissal of his 28 U.S.C. § 2241 petition challenging the concurrent 108-month sentences imposed upon his guilty pleas to mail fraud and engaging in an unlawful monetary transaction. The district court concluded that Nelson

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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failed to satisfy the “savings clause” of 28 U.S.C. § 2255(e) and, further, that Nelson’s § 2241 petition was barred by the provision in his plea agreement waiving appeal and collateral review. We affirm.

Nelson fails to show that either his guilty plea or his accession to the waiver provision was unknowing or involuntary or that any exception to the waiver provision applies. *See United States v. Keele*, 755 F.3d 752, 754 (5th Cir. 2014); *United States v. Bond*, 414 F.3d 542, 544 (5th Cir. 2005). His sentences do not exceed the statutory maximum of either 18 U.S.C § 1341 or 18 U.S.C. § 1957. Nelson identifies no violation of the plea agreement by either the Government or the district court. And he makes only a brief, conclusory reference to ineffective assistance of counsel, thereby abandoning any such argument. *See Davis v. Davis*, 826 F.3d 258, 266 (5th Cir. 2016). Consequently, Nelson fails to show error in the district court’s finding that his § 2241 petition is barred by the collateral-review waiver. *See Christopher v. Miles*, 342 F.3d 378, 381 (5th Cir. 2003).

AFFIRMED.