

**FILED**

July 21, 2004

UNITED STATES COURT OF APPEALS  
FIFTH CIRCUIT

Charles R. Fulbruge III  
Clerk

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No. 04-10258  
Summary Calendar

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DOYCE ELLIOTT HUNT,

Petitioner-Appellant,

versus

UNITED STATES OF AMERICA; TERRELL L. HARRIS,  
U.S. Attorney; L. E. FLEMING, Warden,

Respondents-Appellees.

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Appeal from the United States District Court  
Northern District of Texas  
(4:04-CV-129-A)

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

PER CURIAM:\*

In August 2002, Doyce Elliott Hunt, federal prisoner #18118-078, was convicted of conspiracy to manufacture methamphetamine. He appeals, *pro se*, the denial of his 28 U.S.C. § 2241 federal habeas petition challenging that conviction. The district court denied Hunt's petition on the basis that: Hunt admitted he had previously filed a § 2255 motion; he could not meet the requirements for filing a successive habeas petition; and his §

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

2241 petition was merely an attempt to circumvent those requirements.

The district court erred, however, because Hunt did not acknowledge the previous filing of a 28 U.S.C. § 2255 motion and there is no record of Hunt having done so. Although that basis for the denial is erroneous, we may affirm on any basis supported by the record. See *United States v. Real Property*, 123 F.3d 312, 313 (5th Cir. 1997).

Hunt's § 2241 petition was properly denied on the ground that he failed to show that his remedy under 28 U.S.C. § 2255 was inadequate or ineffective. See *Reyes-Requena v. United States*, 243 F.3d 893, 901 (5th Cir. 2001).

**AFFIRMED**