

June 19, 2007

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 06-10430
Conference Calendar

GARY ARTIAGA,

Petitioner-Appellant,

versus

DAN JOSLIN, Warden, Federal Correctional Institute
Seagoville,

Respondent-Appellee.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:06-CV-178

Before JONES, Chief Judge, and JOLLY and DENNIS, Circuit Judges.

PER CURIAM:*

Gary Artiaga, federal prisoner # 26304-077, appeals from the dismissal of his 28 U.S.C. § 2241 petition. Artiaga challenges his convictions of conspiracy and using a telephone to facilitate a felony.

Artiaga asserts that his indictment was defective because it did not allege a specific drug quantity. Artiaga has not shown that the district court erred in finding that his claim does not fall under the savings clause of 28 U.S.C. § 2255 and thus may

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

not be brought under § 2241. See McGhee v. Hanberry, 604 F.2d 9,
10 (5th Cir. 1979).

AFFIRMED.