

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

---

No. 00-60377  
Summary Calendar

---

DENNIS BACERIO,

Petitioner-Appellant,

versus

KHURSHID Z. YUSUFF,

Respondent-Appellee.

- - - - -  
Appeal from the United States District Court  
for the Southern District of Mississippi  
USDC No. 5:99-CV-65-BrS  
- - - - -

January 3, 2001

Before DAVIS, JONES and DEMOSS, Circuit Judges.

PER CURIAM:\*

Dennis Bacerio, a federal prisoner (# 49277-004), appeals the district court's dismissal of his 28 U.S.C. § 2241 habeas corpus petition, wherein he argued that prison officials had improperly forced him to sign a contract to pay his fine on a monthly basis and that the Bureau of Prisons lacked legal authority to set a payment schedule for his fine.

The district court lacked jurisdiction to entertain Bacerio's § 2241 petition because Bacerio's contentions regarding a monetary fine did not satisfy the "in custody" requirement of

---

\* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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. See, e.g., United States v. Segler, 37 F.3d 1131, 1137-38 (5th Cir. 1994) (district court lacked jurisdiction over § 2255 claim regarding monetary fine); United States v. Hatten, 167 F.3d 884, 885 (5th Cir. 1999) (concluding that district court lacked jurisdiction over motion for declaratory judgment in which movant sought to prevent Probation Office from collecting restitution payments). Accordingly, the district court's order is VACATED and this case is REMANDED with instructions to enter an order dismissing the § 2241 petition for lack of jurisdiction.

VACATED and REMANDED.