

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 01-50467  
Summary Calendar

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JOSE LOPEZ QUINTERO,

Petitioner-Appellant,

versus

UNITED STATES OF AMERICA,

Respondent-Appellee.

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. SA-01-CV-250-OG  
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November 28, 2001

Before JONES, SMITH, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:\*

Jose Lopez Quintero, federal prisoner # 42177-080, appeals the district court's dismissal of his 28 U.S.C. § 2241 petition. Quintero argues that because this court previously denied him permission to file a successive 28 U.S.C. § 2255 motion, another motion under that section would be "inadequate or ineffective" to test the legality of his detention.

We find that this court lacks jurisdiction to consider Quintero's appeal because the district court lacked jurisdiction to consider his petition. A 28 U.S.C. § 2241 petition must be

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

filed in the district wherein the petitioner is incarcerated; any other district lacks jurisdiction to entertain the petition. See Lee v. Wetzel, 244 F.3d 370, 373 (5th Cir. 2001). Quintero's petition was filed in the Western District of Texas, but he was incarcerated at a facility in the Eastern District of Texas.

Therefore, we DISMISS Quintero's appeal for lack of jurisdiction and DENY permission to proceed IFP. Quintero is also WARNED that the submission of further frivolous pleadings, to this or any other court subject to this court's jurisdiction, may subject him to sanctions.