

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-50762
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

PATRICK CLARK,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. A-97-CV-337-SS
(A-94-CR-100-1-SS)

December 21, 2001

Before DeMOSS, PARKER, and DENNIS, Circuit Judges.

PER CURIAM:*

Patrick Clark appeals the district court's denial of his motion for release on bail pending the disposition of his 28 U.S.C. § 2255 motion. Regardless of the merits of Clark's pending 28 U.S.C. § 2255 claim, on which the district court has not yet ruled, Clark has failed to show the existence of exceptional circumstances necessitating his release on bail in order to make the post-conviction remedy effective. See Calley v. Callaway, 496 F.2d 701, 702 (5th Cir. 1974).

AFFIRMED.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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