

August 18, 2003

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 03-40459
Summary Calendar

GEORGE D. FARQUHAR,

Petitioner-Appellant,

versus

N. LEE CONNER, Warden,

Respondent-Appellee.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 5:01-CV-216

Before HIGGINBOTHAM, DAVIS and PRADO, Circuit Judges.

PER CURIAM:*

George D. Farquhar ("Farquhar"), federal prisoner number 28074-077, appeals the district court's order denying and dismissing with prejudice his application for writ of habeas corpus. Because he challenges his conviction and not the manner in which his sentence is being executed, Farquhar must satisfy the requirements for filing a 28 U.S.C. § 2241 petition under 28 U.S.C. § 2255's "savings clause." See Pack v. Yusuff, 218 F.3d 448, 448 (5th Cir. 2000).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Farquhar has not met his burden of showing that he meets the requirements for filing a § 2241 petition under the savings clause of § 2255. Farquhar must point to a retroactively applicable Supreme Court decision which establishes that he may have been imprisoned for conduct that was not prohibited by law and show that his claims were foreclosed by circuit law at the time of his guilty-plea conviction, appeal, or first § 2255 motion. See Reyes-Requena v. United States, 243 F.3d 893, 903-04 (5th Cir. 2001). Farquhar's arguments do not satisfy both of the above requirements.

AFFIRMED. All outstanding motions are DENIED.