

**FILED**

August 21, 2007

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

Charles R. Fulbruge III  
Clerk

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No. 06-10504  
Conference Calendar

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TERRANCE LANAIR JOHNSON

Petitioner-Appellant

v.

DAN JOSLIN, Warden - Seagoville - Federal Correctional Institution

Respondent-Appellee

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 3:05-CV-2049

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Before HIGGINBOTHAM, SMITH, and CLEMENT, Circuit Judges.

PER CURIAM:\*

Terrance Lanair Johnson, federal prisoner # 23845-077, appeals the dismissal of his 28 U.S.C. § 2241 petition. The district court dismissed the petition for lack of jurisdiction after construing it as a successive and unauthorized motion under 28 U.S.C. § 2255.

The district court's construction of Johnson's petition as a § 2255 motion was correct because the petition attacked Johnson's 1993 convictions and

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

sentences for drug and firearm crimes. See *Tolliver v. Dobre*, 211 F.3d 876, 877-78 (5th Cir. 2000). The § 2255 motion is successive because Johnson has filed at least one prior § 2255 motion. See *United States v. Orozco-Ramirez*, 211 F.3d 862, 867-69 (5th Cir. 2000).

The judgment of the district court is AFFIRMED.