

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 95-30944  
Conference Calendar

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DARRELL MORGAN,

Petitioner-Appellant,

versus

ORLEANS PARISH PRISON; CHARLES C. FOTI, JR.,

Respondents-Appellees.

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Appeal from the United States District Court  
for the Eastern District of Louisiana  
USDC No. 95-CV-2568 D  
- - - - -

February 29, 1996

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

PER CURIAM:\*

Darrell Morgan appeals the district court's dismissal of his 28 U.S.C. § 2254 petition. Morgan filed his petition as a pre-trial detainee in Orleans Parish Prison on state charges. The district court construed the petition under § 2241 and dismissed it without prejudice because Morgan failed to exhaust state remedies.

We have reviewed the record and Morgan's arguments on appeal, and we perceive no reversible error. Accordingly, we

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\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

affirm the dismissal for essentially the reasons stated by the district court. (Morgan v. Orleans Parish Prison, No. 95-CV-2568 D).

APPEAL DISMISSED.