

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-50545

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

GLEN SCHOENING,

Defendant-Appellant.

Appeal from the United States District Court
For the Western District of Texas
(DR-81-CR-19-ALL)

April 22, 1997

Before REYNALDO G. GARZA, HIGGINBOTHAM, and JONES, Circuit Judges.

PER CURIAM:*

The district court lacked jurisdiction in this case and should have dismissed the petition for that reason. The prisoner must file his § 2241 petition in the jurisdiction in which he is incarcerated. United States v. Gabor, 905 F.2d 76, 78 (5th Cir. 1990). Petitioner was incarcerated at the Federal Correctional Institution at Three Rivers in the Southern District of Texas. He filed his "motion for reconsideration of sentence," a motion

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

construed to be a petition under 28 U.S.C. § 2241, in the Western District of Texas. The case is remanded to the district court with instructions to dismiss the petition for want of jurisdiction.