

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-40056
Conference Calendar

DENNIS L. BARRETT,

Petitioner-Appellant,

versus

NEWMAN LEE CONNER, Warden Federal
Correctional Institute,

Respondent-Appellee.

- - - - -
Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 5:96-CV-313
- - - - -

June 18, 1997

Before SMITH, STEWART, and DENNIS, Circuit Judges.

PER CURIAM:*

Dennis L. Barrett, federal prisoner #06817-045, challenges that the district court's dismissal of his petition for federal habeas relief under 28 U.S.C. § 2241 for failure to exhaust administrative remedies. His motion for a certificate of appealability is DENIED as unnecessary. We have reviewed the record and Barrett's contentions and we discern no abuse of

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

discretion. See *Fuller v. Rich*, 11 F.3d 61, 62 (5th Cir. 1994).

Accordingly, we affirm for essentially the same reasons employed

by the district court. *Barrett v. Warden, F.C.I. Texarkana*, No. 5:96cv313 (E.D. Tex. Dec. 31, 1996).

AFFIRMED.