

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-60702
Conference Calendar

OSMEL GARCIA,

Plaintiff-Appellant,

versus

KHURSHID YUSUFF,

Defendant-Appellee.

Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. 5:99-CV-175-Br-S

April 11, 2000

Before WIENER, DeMOSS, and PARKER, Circuit Judges.

PER CURIAM:*

Osmel Garcia, federal prisoner # 49917-083, appeals the district court's dismissal of his petition filed pursuant to 28 U.S.C. § 2241. His claims allege errors that are not cognizable in a § 2241 petition but that should properly be raised in a motion to vacate, set aside, or correct sentence under 28 U.S.C. § 2255. See Ojo v. INS, 106 F.3d 680, 683 (5th Cir. 1997). Because Garcia must file his § 2255 motion in the district where he was sentenced, the district court properly dismissed the instant petition for lack of jurisdiction. See id.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Accordingly, the instant appeal is DISMISSED AS FRIVOLOUS.
See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983); 5TH CIR.
R. 42.2.