

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-50889
Summary Calendar

SAMUEL FIACRO PENA,

Petitioner-Appellant,

versus

JOE AGUIRRE, Warden, El Paso
Prison Camp,

Respondent-Appellee.

- - - - -
Appeal from the United States District Court
for the Western District of Texas
USDC No. EP-97-CV-344-H
- - - - -

July 29, 1998

Before DUHÉ, DeMOSS, and DENNIS, Circuit Judges.

PER CURIAM:*

Samuel Fiacro Pena, federal prisoner #50360-098, appeals the denial of his application pursuant to 28 U.S.C. § 2241, in which he argues: (1) that he was not brought to trial within the time limits imposed by the Speedy Trial Act, 18 U.S.C. §§ 3161-3174; (2) that his guilty plea was not voluntary because his own attorney coerced him to make it; and (3) that his attorney was ineffective for failing to investigate possible defenses. Given that each of these

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

claims addresses alleged errors that occurred prior to Pena's conviction and sentence and that Pena has failed to demonstrate that relief pursuant to 28 U.S.C. § 2255 would be ineffective or inadequate, the district court did not err in dismissing Pena's motion. See Cox v. Warden, Fed. Detention Ctr., 911 F.2d 1111, 1113 (5th Cir. 1990; see also Lane v. Hanberry, 601 F.2d 805, 806 (5th Cir. 1979).

AFFIRMED.

Pena's motion for release pending appeal is moot and is DENIED as such.