

United States Court of Appeals  
Fifth Circuit

**FILED**

**April 21, 2004**

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

Charles R. Fulbruge III  
Clerk

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No. 03-41536  
Conference Calendar

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JOSE SANTOS GALLEGOS,

Petitioner-Appellant,

versus

JONATHON DOBRE, Warden,

Respondent-Appellee.

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Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. 1:01-CV-158  
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Before JOLLY, JONES, and SMITH, Circuit Judges.

PER CURIAM:\*

Jose Santos Gallegos, federal prisoner #18816-077, appeals from the district court's dismissal of his 28 U.S.C. § 2241 petition. Gallegos argues that the district court erred by holding that his 28 U.S.C. § 2241 petition was subject to dismissal because it did not warrant application of the "savings clause" set forth in 28 U.S.C. § 2255.

Because Gallegos's claim fails to meet the requisite standard, the "savings clause" is not applicable to Gallegos's

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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28 U.S.C. § 2241 petition. See Reyes-Requena v. United States,  
243 F.3d 893, 904 (5th Cir. 2001). Accordingly, the district  
court's judgment is AFFIRMED.