

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

F I L E D

October 29, 2010

No. 10-20270
Summary Calendar

Lyle W. Cayce
Clerk

NORBERTO ROBLES,

Petitioner-Appellant

v.

JOE D. DRIVER, Warden, Houston Federal Detention Center,

Respondent-Appellee

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:10-CV-694

Before REAVLEY, DENNIS, and CLEMENT, Circuit Judges.

PER CURIAM:*

Norberto Robles, federal prisoner # 82724-179, appeals the district court's dismissal of his 28 U.S.C. § 2241 petition. The district court determined that Robles' § 2241 petition was premature because his claims were directed to his criminal proceeding, which was active. We note that the district court appears to have treated Robles' pleading as arising under § 2241, not § 2255. *See Castro v. United States*, 540 U.S. 375, 383 (2003). Robles' brief is entirely devoted to the merits of his claims for relief. Although he asserts that he properly sought

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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habeas relief pursuant to § 2241 because he filed his petition prior to being sentenced, Robles provides no explanation for his conclusory assertion. By failing to address the basis for the district court's dismissal, Robles has abandoned the threshold issue in this appeal. *Yohey v. Collins*, 985 F.2d 222, 224-25 (5th Cir. 1993); *Brinkmann v. Dallas County Deputy Sheriff Abner*, 813 F.2d 744, 748 (5th Cir. 1987).

AFFIRMED.