

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

September 13, 2013

Lyle W. Cayce
Clerk

No. 13-10254

Summary Calendar

EDWARD SANCHEZ,

Petitioner-Appellant

v.

WARDEN RANDALL CHANDLER,

Respondent-Appellee

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:13-CV-11

Before WIENER, OWEN, and HAYNES, Circuit Judges.

PER CURIAM:*

Plaintiff-Appellant Edward Sanchez, federal prisoner # 35757-044, appeals from the dismissal without prejudice of his 28 U.S.C. § 2241 petition challenging his conviction and sentence for possessing with intent to distribute methamphetamine. We review the dismissal de novo. *Pack v. Yusuff*, 218 F.3d 448, 451 (5th Cir. 2000).

As Sanchez seeks to challenge the validity of his conviction and sentence rather than the manner in which his sentence has been executed, his petition

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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properly arises under 28 U.S.C. § 2255. *Id.* at 451-52. A section 2255 motion must be brought by the movant in the court that sentenced him. § 2255(a); *Ojo v. I.N.S.*, 106 F.3d 680, 683 (5th Cir. 1997). As the district court did not impose the sentence at issue, it did not err by dismissing the petition without prejudice rather than construing it as a § 2255 motion. *See Ojo*, 106 F.3d at 683.

AFFIRMED.