

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

No. 14-10544
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

April 7, 2015

Lyle W. Cayce
Clerk

LEVI WOODERTS, JR.,

Petitioner–Appellant,

Versus

WARDEN RODNEY W. CHANDLER, FCI Fort Worth,

Respondent–Appellee.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:14-CV-162

Before SMITH, WIENER, and ELROD, Circuit Judges.

PER CURIAM:*

Levi Wooderts, Jr., federal prisoner # 29639-077, appeals the dismissal of his 28 U.S.C. § 2241 petition for abuse of the writ. Wooderts is serving a sentence for conspiring to alter and traffic in motor-vehicle parts. 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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alleged that he is being unlawfully detained because he has not been given credit for time served while in state custody. He has also filed motions to proceed *in forma pauperis* (“IFP”) and for appointment of counsel.

Because the petition raised a legal claim that was previously rejected by the district court and this court, the district court did not abuse its discretion when it dismissed it for an abuse of the writ. *See United States v. Tubwell*, 37 F.3d 175, 177–78 (5th Cir. 1994); 28 U.S.C. § 2244(a). Consequently, the appeal is DISMISSED as frivolous, *see* 5TH CIR. R. 42.2, and Wooderts’s motions for IFP and appointment of counsel are DENIED.

Wooderts has been warned that frivolous, repetitive, or otherwise abusive filings would invite sanctions. Because he has failed to heed that warning, he is ORDERED to pay a sanction of \$300 to the clerk of this court. He is BARRED from filing any pleading in this court or any court subject to this court’s jurisdiction seeking credit for time served in state custody until the sanction has been paid in full, unless he first obtains leave of the court in which he seeks to file such a pleading. Wooderts is further CAUTIONED that any future frivolous, repetitive, or otherwise abusive filings in a district court or in this court will subject him to additional and progressively more severe sanctions. Wooderts shall review all pending matters and move to dismiss any that are frivolous, repetitive, or otherwise abusive.