

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

United States Court of Appeals
Fifth Circuit

FILED

June 9, 2015

Lyle W. Cayce
Clerk

No. 14-11285

Summary Calendar

DENNY RAY HARDIN,

Petitioner-Appellant

v.

MYRON L. BATTS, Warden,

Respondent-Appellee

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 1:14-CV-181

Before DAVIS, CLEMENT, and COSTA, Circuit Judges.

PER CURIAM:*

Denny Ray Hardin, federal prisoner # 22264-045, appeals the dismissal of a 28 U.S.C. § 2241 habeas corpus petition. Hardin is serving a 120-month sentence for multiple fraud crimes.

The district court noted that Hardin has already filed at least one unsuccessful motion under 28 U.S.C. § 2255. The district court therefore dismissed his petition as an unauthorized successive § 2255 motion. The

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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district court also determined that the Hardin could not invoke the savings clause of § 2241. *See Reyes-Requena v. United States*, 243 F.3d 893, 904 (5th Cir. 2001).

On appeal, Hardin asserts, among other things, that he has committed no crime and that the United States District Courts have no constitutional authority over him. He makes no argument relevant to the district court's construction of his petition as a successive and unauthorized § 2255 motion, and he refuses even to acknowledge his conviction. Hardin also has not attempted to show that he is entitled to proceed under the savings clause of § 2241. By his lack of briefing, Hardin has waived any relevant challenge to the district court's ruling. *See Yohey v. Collins*, 985 F.2d 222, 225 (5th Cir. 1993) (issues not briefed are abandoned).

In any event, the district court properly dismissed Hardin's petition as a successive and unauthorized § 2255 motion over which the court lacked jurisdiction. *See* 28 U.S.C. §§ 2244(b)(3), 2255(h); *Pack v. Yusuff*, 218 F.3d 448, 452 (5th Cir. 2000); *United States v. Key*, 205 F.3d 773, 774 (5th Cir. 2000). Hardin's appeal lacks arguable merit and is DISMISSED as frivolous. *See Howard v. King*, 707 F.2d 215, 219-20 (5th Cir. 1983); 5TH CIR. R. 42.2. All of Hardin's motions for "Judicial Notice" or any other relief are DENIED.