

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

No. 14-31045
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

March 23, 2015

Lyle W. Cayce
Clerk

SHAWN BENARD DOBY, SR.,

Petitioner-Appellant

v.

UNITED STATES OF AMERICA,

Respondent-Appellee

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 1:14-CV-1000

Before DAVIS, CLEMENT, and COSTA, Circuit Judges.

PER CURIAM:*

Shawn Benard Doby, Sr., federal prisoner # 28280-018, appeals the dismissal of his 28 U.S.C. § 2241 petition wherein he challenged his conviction for conspiracy to possess with the intent to distribute crack cocaine and distribution of crack cocaine. He argues that he meets the requirements of the savings clause of 28 U.S.C. § 2255(e) because *Alleyne v. United States*, 133 S. Ct. 2151 (2013), sets forth a new rule of constitutional law that is retroactively

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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applicable to his case. He further contends that his Due Process rights are violated because he cannot raise this claim in a § 2255 motion. Because these issues are raised for the first time on appeal, we will not consider them. *See Wilson v. Roy*, 643 F.3d 433, 435 n.1 (5th Cir. 2011). In any case, they are without merit. *See Reyes-Requena v. United States*, 243 F.3d 893, 900-01 (5th Cir. 2001); *Pack v. Yusuff*, 218 F.3d 448, 452-53 (5th Cir. 2001); *Graham v. Johnson*, 168 F.3d 762, 787-88 (5th Cir. 1999).

Doby has not adequately briefed any challenge to the dismissal of claims raised in the district court challenging the validity of his indictment, the jury instructions, and the effective assistance of trial counsel. Accordingly, he has abandoned those issues. *See Yohey v. Collins*, 985 F.2d 222, 224-25 (5th Cir. 1993).

Accordingly, the judgment of the district court is AFFIRMED.