

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

No. 16-41168
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

June 21, 2017

Lyle W. Cayce
Clerk

WILLIAM R. ABBOTT,

Petitioner-Appellant

v.

UNITED STATES OF AMERICA,

Respondent-Appellee

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 5:15-CV-35

Before JOLLY, SMITH, and GRAVES, Circuit Judges.

PER CURIAM:*

William Russell Abbott, federal prisoner # 57819-083, was convicted in 2008 in the Eastern District of Virginia of attempting to entice a minor to engage in illegal sexual acts for which a person could be charged with a criminal offense and of transporting child pornography. Abbott filed the instant motion challenging the legality of his criminal conviction and sentence. The pleading was construed by the district court as a petition for a writ of

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

No. 16-41168

habeas corpus under 28 U.S.C. § 2241. It was dismissed because Abbott had not shown that he may proceed under the Savings Clause of 28 U.S.C. § 2255.

Abbott contends that he was convicted of a nonexistent offense and is innocent because the offense did not involve a minor victim. He complains also that an interstate nexus was not established. Because these claims are not based on a retroactively applicable Supreme Court decision, Abbott has not satisfied the standard for filing a § 2241 petition under the Savings Clause of § 2255. *See Reyes-Requena v. United States*, 243 F.3d 893, 904 (5th Cir. 2001). The judgment is AFFIRMED. Abbott's motion for extraordinary relief and for sanctions is DENIED.