

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

United States Court of Appeals
Fifth Circuit

FILED

May 14, 2019

Lyle W. Cayce
Clerk

No. 18-30700
Summary Calendar

WILLIAM R. ABBOTT,

Petitioner-Appellant

v.

UNITED STATES OF AMERICA,

Respondent-Appellee

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 2:18-CV-394

Before STEWART, Chief Judge, and GRAVES and DUNCAN, Circuit Judges.

PER CURIAM:*

William R. Abbott, federal prisoner # 57819-083, pleaded guilty of attempting to entice minors to engage in illegal sexual acts and of transporting child pornography. He has appealed the district court's judgment dismissing without prejudice his petition for a writ of habeas corpus under 28 U.S.C. § 2241, in which he asserted that he is actually innocent.

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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. 18-30700

Under the Savings Clause of 28 U.S.C. § 2255, a § 2241 petition that attacks custody resulting from a federally imposed sentence may be entertained if the petitioner shows that the remedy provided under § 2255 is inadequate or ineffective to test the legality of his detention. *Jeffers v. Chandler*, 253 F.3d 827, 830 (5th Cir. 2001); *see also* § 2255(e). Abbott has failed to make the required showing that his contentions are based on a retroactively applicable Supreme Court decision, which establishes that he may have been convicted of a nonexistent offense and were foreclosed by circuit law at the time when the claims should have been raised in his trial, appeal, or first § 2255 motion. *See Reyes-Requena v. United States*, 243 F.3d 893, 904 (5th Cir. 2001); *see also Jeffers*, 253 F.3d at 830-31. The appeal is DISMISSED AS FRIVOLOUS. *See* 5TH CIR. R. 42.2.

Abbott is WARNED that any future frivolous, repetitive, or otherwise abusive filings will invite the imposition of sanctions, which may include dismissal, monetary sanctions, and restrictions on his ability to file pleadings in this court and any court subject to this court's jurisdiction. Abbott should review any pending appeals and actions and move to dismiss any that are frivolous, repetitive, or otherwise abusive.