

UNITED STATES COURT OF APPEALS
TENTH CIRCUIT

FEB 7 2002

PATRICK FISHER
Clerk

MICHAEL WAYNE McCOY,

Petitioner - Appellant,

v.

T. C. PETERSON, Warden, Federal
Correctional Institution, El Reno, OK,

Respondent - Appellee.

No. 01-6388
(D.C. No. 01-CV-1003-T)
(W.D. Okla.)

ORDER AND JUDGMENT*

Before **EBEL, KELLY, and LUCERO**, Circuit Judges.**

Mr. McCoy seeks to appeal from the district court's denial of his habeas petition pursuant to 28 U.S.C. § 2241. The district court and the magistrate judge correctly held that a motion pursuant to 28 U.S.C. § 2255 is Mr. McCoy's sole remedy and that such remedy cannot be deemed "inadequate or ineffective" in these circumstances. I R. Docs. 7 & 9. See Carvalho v. Pugh, 177 F.3d 1177,

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. This court generally disfavors the citation of orders and judgments; nevertheless, an order and judgment may be cited under the terms and conditions of 10th Cir. R. 36.3.

** After examining the briefs and the appellate record, this three-judge panel has determined unanimously that oral argument would not be of material assistance in the determination of this appeal. See Fed. R. App. P. 34(a); 10th Cir. R. 34.1(G). The cause is therefore ordered submitted without oral argument.

1179 (10th Cir. 1999). Accordingly, we DISMISS the appeal. Mr. McCoy's motion for leave to proceed on appeal *in forma pauperis* is DENIED as moot.

We DENY Mr. McCoy's "Motion for Leave to File a Supplemental Briefing Covering Newly Discovered Evidence that Proves that the Government Perpetrated Fraud Upon the District Court."

Entered for the Court

Paul J. Kelly, Jr.
Circuit Judge