

November 15, 2011

UNITED STATES COURT OF APPEALS

Elisabeth A. Shumaker
Clerk of Court

TENTH CIRCUIT

CHARLES COREY FRANKLIN,

Petitioner - Appellant,

v.

CHARLES A. DANIELS,

Respondent - Appellee.

No. 11-1338

(D. Colorado)

(D.C. No. 1:11-CV-01487-LTB)

ORDER AND JUDGMENT*

Before **KELLY, HARTZ, and HOLMES**, Circuit Judges.

Defendant Charles C. Franklin, a federal prisoner at the United States Penitentiary in Florence, Colorado, filed an application for habeas relief under 28 U.S.C. § 2241 in the United States District Court for the District of Colorado, challenging his conviction and sentence in the United States District Court for the Northern District of Texas. The Colorado District Court dismissed the application because Defendant has an adequate and effective remedy under

*After examining the briefs and appellate record, this panel has determined unanimously that oral argument would not materially assist the determination of this appeal. *See* Fed. R. App. P. 34(a)(2); 10th Cir. R. 34.1(G). The case is therefore ordered submitted without oral argument. This order and judgment is not binding precedent except under the doctrines of law of the case, res judicata, and collateral estoppel. It may be cited, however, for its persuasive value consistent with Fed. R. App. P. 32.1 and 10th Cir. R. 32.1.

28 U.S.C. § 2255. We AFFIRM that decision for essentially the reasons stated in the district court's Order of Dismissal. We DENY Mr. Franklin's motion to proceed *in forma pauperis*.

ENTERED FOR THE COURT

Harris L Hartz
Circuit Judge