

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 00-6778

ROBERT DEAN CLARK,

Petitioner - Appellant,

versus

UNITED STATES OF AMERICA,

Respondent - Appellee.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. Terrence W. Boyle, Chief District Judge. (CA-00-128-BO-5)

Submitted: August 15, 2000

Decided: August 31, 2000

Before WILLIAMS, MOTZ, and TRAXLER, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Robert Dean Clark, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Robert Dean Clark appeals the district court's order dismissing his 28 U.S.C.A. § 2241 (West 1994) petition. We have reviewed the record and the district court's opinion and find no reversible error. Accordingly, we affirm the dismissal of Clark's § 2241 petition on the reasoning of the district court. See Clark v. United States, No. CA-00-128-BO-5 (E.D.N.C. May 5, 2000). In addition, Clark moved for a hearing under 18 U.S.C.A. § 4247(h) (West Supp. 2000). The district court's order did not address the § 4247(h) motion; however, because such a motion must be filed "with the court that ordered the commitment," 18 U.S.C.A. § 4247(h), the district court was without authority to rule. We deny Clark's motion for appointment of counsel on appeal and dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED