

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 01-6390**

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CHARLIE WARD, SR.,

Petitioner - Appellant,

versus

STEPHEN DEWALT,

Respondent - Appellee.

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Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. Malcolm J. Howard, District Judge. (CA-00-856)

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Submitted: June 21, 2001

Decided: June 29, 2001

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Before WIDENER and GREGORY, Circuit Judges, and HAMILTON, Senior Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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Charlie Ward, Sr., Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Charlie Ward, Sr., appeals the district court's order denying relief on his 28 U.S.C. § 2241 (1994) petition. We have reviewed the record and the district court's opinion and find no reversible error. We note that, even if the district court had jurisdiction to review Ward's Apprendi v. New Jersey, 530 U.S. 466 (2000), claim, the sentence would not be in error because his 188-month sentence did not exceed the applicable statutory maximum. See 21 U.S.C.A. § 841(b)(1)(C) (West 1999); United States v. Kinter, 235 F.3d 192, 199 (4th Cir. 2000). Accordingly, we affirm on the reasoning of the district court. Ward v. Dewalt, No. CA-00-856 (E.D.N.C. filed Jan. 22, 2001; entered Jan. 23, 2001). We 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