

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 01-6847

BENNY EDWARD LEE,

Petitioner - Appellant,

versus

D. SCOTT DODRILL, Warden, L.S.C.I. Butner,

Respondent - Appellee.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. James C. Fox, Senior District Judge. (CA-01-167-5-3F)

Submitted: October 18, 2001

Decided: October 25, 2001

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

Affirmed by unpublished per curiam opinion.

Benny Edward Lee, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Benny Edward Lee 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 Lee's claim under Apprendi v. New Jersey, 530 U.S. 466 (2000), the sentence would not be in error because his 108-month sentence did not exceed the applicable statutory maximum. See United States v. Angle, 254 F.3d 514 (4th Cir.), cert. denied, 2001 WL 995333 (U.S. Oct. 1, 2001) (No. 01-5838). Thus, any such claim would lack merit. We affirm on the reasoning of the district court. Lee v. Dodrill, No. CA-01-167-5-3F (E.D.N.C. Apr. 27, 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