

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 01-7206

MICHAEL O. DEVAUGHN,

Plaintiff - Appellant,

versus

DAN L. DOVE,

Defendant - Appellee.

Appeal from the United States District Court for the District of South Carolina, at Florence. Joseph F. Anderson, Jr., Chief District Judge. (CA-00-3546-4-17BF)

Submitted: February 21, 2002

Decided: March 4, 2002

Before WILKINS, MOTZ, and TRAXLER, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Michael O. DeVaughn, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Michael O. DeVaughn seeks to appeal the district court's order construing his petition filed under 28 U.S.C. § 2241 (1994), as a motion filed under 28 U.S.C.A. § 2255 (West Supp. 2001), and dismissing his action without prejudice. We have reviewed the record and the district court's opinion and find no reversible error. Accordingly, we deny a certificate of appealability and dismiss the appeal on the reasoning of the district court. DeVaughn v. Dove, No. CA-00-3546-4-17BF (D.S.C. June 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.

DISMISSED