

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 01-7596

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

RONALD LANTHRON,

Defendant - Appellant.

No. 02-6002

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

RONALD LANTHRON,

Defendant - Appellant.

Appeals from the United States District Court for the Eastern
District of North Carolina, at Raleigh. Terrence W. Boyle, Chief
District Judge. (CA-01-465-5-BO)

Submitted: February 28, 2002

Decided: March 13, 2002

Before NIEMEYER, MOTZ, and KING, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Ronald Lanthron, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

On consolidated appeals, Ronald Lanthron seeks to appeal the district court's orders denying his motion, filed on a form pertaining to motions under 28 U.S.C.A. § 2255 (West Supp. 2001), but that we construe as a habeas corpus petition under 28 U.S.C. § 2241 (1994). He also challenges the district court's order denying his motion for a certificate of appealability. Because Lanthron's challenge to a court martial is properly addressed under § 2241, Burns v. Wilson, 346 U.S. 137 (1953), the district court erred in dismissing the petition based on the time limits applicable to motions under § 2255. However, as the district court correctly noted in its denial of Lanthron's motion for a certificate of appealability, Lanthron did not meet the custody requirement applicable to habeas corpus petitions. 28 U.S.C. § 2241(c)(3); see Garlotte v. Fordice, 515 U.S. 39, 40 (1995). Accordingly, we affirm the denial of relief on the basis that Lanthron was not in custody, depriving the district court of jurisdiction over the petition. We grant Lanthron's motion to supplement the record. 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