

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 02-6594

ABDUL AL-HAKEEM AFIZ,

Plaintiff - Appellant,

versus

EASTERN DISTRICT COURT OF MISSOURI; FEDERAL
BUREAU OF PRISONS,

Defendants - Appellees.

Appeal from the United States District Court for the District of
South Carolina, at Charleston. Terry L. Wooten, District Judge.
(CA-02-116-25BG)

Submitted: June 20, 2002

Decided: June 27, 2002

Before MICHAEL and KING, Circuit Judges, and HAMILTON, Senior
Circuit Judge.

Affirmed by unpublished per curiam opinion.

Abdul Al-Hakeem Afiz, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Abdul Al-Hakeem Afiz appeals from the district court's order adopting the magistrate judge's recommendation to deny relief without prejudice on his action challenging his conviction in the Eastern District of Missouri. Afiz filed his claim for relief under both 28 U.S.C. § 2241 (1994) and 28 U.S.C.A. § 2255 (West Supp. 2001). Afiz's claim for relief under § 2241 is unavailing because he does not meet the test for proceeding under this statute as set forth in In re Jones, 226 F.3d 328, 333-34 (4th Cir. 2000). Furthermore, the district court lacked jurisdiction to grant relief under § 2255. Accordingly, we affirm the district court's order denying relief without prejudice. 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