

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 02-6704

EDGHILL LEO FRANCIS,

Petitioner - Appellant,

versus

JOSEPH BROOKS, Warden,

Respondent - Appellee.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Leonie M. Brinkema, District Judge. (CA-02-428-AM)

Submitted: January 16, 2003

Decided: February 3, 2003

Before WILLIAMS, KING, and GREGORY, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Edghill Leo Francis, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Edghill Leo Francis seeks to appeal the district court's order construing his 28 U.S.C. § 2241 (2000) petition as a motion arising under 28 U.S.C. § 2255 (2000), and dismissing it without prejudice. We have reviewed the record and agree with the district court that the claims Francis seeks to raise cannot be pursued under § 2241. Because Francis has previously filed a motion seeking relief under § 2255, see United States v. Francis, No. 99-6042, 1999 WL 147849 (4th Cir. Mar. 18, 1999) (unpublished), however, he must seek authorization from this Court under 28 U.S.C. § 2244 (2000) prior to filing a successive motion under § 2255. Because Francis has not received this authorization, the district court properly dismissed his motion without prejudice. Accordingly, we deny a certificate of appealability and dismiss the appeal. See 28 U.S.C. § 2253(c) (2000). 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