

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 03-7764

ROLANDO MARTINEZ,

Plaintiff - Appellant,

versus

BUREAU OF IMMIGRATION AND CUSTOMS ENFORCEMENT,

Defendant - Appellee.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. Malcolm J. Howard, District Judge. (CA-03-725-5-H)

Submitted: March 2, 2005

Decided: April 1, 2005

Before WILLIAMS, TRAXLER, and GREGORY, Circuit Judges.

Vacated and remanded by unpublished per curiam opinion.

Rolando Martinez, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Rolando Martinez appeals a district court judgment and order summarily dismissing his 28 U.S.C. § 2241 (2000) petition. The district court denied relief because the holding in Zadyvas v. Davis, 533 U.S. 678 (2001), did not apply to inadmissible aliens like Martinez. In Clark v. Martinez, 125 S. Ct. 716 (2005), the Supreme Court held the holding in Zadyvas did apply to inadmissible aliens. Accordingly, we vacate the district court judgment and remand for further proceedings. 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.

VACATED AND REMANDED