

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 04-6668**

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CHARLES HOYE,

Petitioner - Appellant,

versus

JOHN CLARK, U.S. Marshal (Acting); JOHN R.  
LONG, Chief Probation Officer; UNITED STATES  
PAROLE COMMISSION,

Respondents - Appellees.

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Appeal from the United States District Court for the Eastern  
District of Virginia, at Alexandria. Leonie M. Brinkema, District  
Judge. (CA-03-1029-A; CA-03-1361-A)

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Submitted: October 6, 2004

Decided: October 26, 2004

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Before NIEMEYER, KING, and GREGORY, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Charles Hoye, Appellant Pro Se. Anita Claire Snyder, OFFICE OF THE  
UNITED STATES ATTORNEY, Alexandria, Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Charles Hoyer, a federal prisoner, appeals the district court's order denying his motion to reconsider\* the court's denial of relief on his petition filed under 28 U.S.C. § 2241 (2000). We have reviewed the record and find no reversible error. Accordingly, we affirm on the reasoning of the district court. See Hoyer v. Clark, Nos. CA-03-1029-A; CA-03-1361-A (E.D. Va. filed Feb. 2, 2004 & entered Feb. 3, 2004). 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

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\*Although the district court construed Hoyer's motion as a motion to alter or amend the judgment under Fed. R. Civ. P. 59(e), the motion was filed more than ten days after entry of the judgment denying § 2241 relief. Thus, the motion should have been construed as one under Fed. R. Civ. P. 60(b). See In re Burnley, 988 F.2d 1, 3 (4th Cir. 1992).