

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-7214

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

ALLEN RAY JOHNSON,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. Terrence W. Boyle, Chief District Judge. (CR-01-167)

Submitted: December 8, 2004

Decided: January 4, 2005

Before WILLIAMS, MICHAEL, and MOTZ, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Allen Ray Johnson, Appellant Pro Se. Rudolf A. Renfer, Jr., Assistant United States Attorney, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Allen Ray Johnson appeals the district court's order dismissing his petition filed under 28 U.S.C. § 2241 (2000) for lack of jurisdiction and denying his motion to recuse the district court judge.* With regard to the denial of § 2241 relief, we find that the law-of-the-case doctrine precluded Johnson from relitigating issues adjudicated in a prior appeal, United States v. Johnson, No. 03-7128 (4th Cir. Nov. 4, 2003) (unpublished). See United States v. Aramony, 166 F.3d 655, 661 (4th Cir. 1999) (discussing doctrine and exceptions thereto); see also S. Atl. Ltd. P'ship of Tenn. v. Riese, 356 F.3d 576, 583 (4th Cir. 2004) (discussing mandate rule). Accordingly, we affirm this portion of the district court's order on that basis.

Turning to the district court's denial of Johnson's motion to recuse, we have reviewed the record and find no reversible error. See Liteky v. United States, 510 U.S. 540, 555 (1994); United States v. DeTemple, 162 F.3d 279, 286 (4th Cir. 1998). Accordingly, we affirm this portion of the order for the reasons stated by the district court. See United States v.

*In his informal brief filed in this court, Johnson appeals the district court's order denying his objections as moot. See Smith v. Barry, 502 U.S. 244, 245 (1992) (holding that document filed within appeal period and containing information required by Fed. R. App. P. 3(c) is functional equivalent of notice of appeal). However, Johnson fails to challenge the ground on which the district court relied to deny the objections and has therefore waived appellate review. 4th Cir. R. 34(b) ("This Court will limit its review to the issues raised in the informal brief.").

Johnson, No. CR-01-167 (E.D.N.C. filed June 30, 2004 & entered July 2, 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