UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-6934

ALLAN A. PETERSEN,

Petitioner - Appellant,

versus

GARY L. WINKLER, Warden at FPC Seymour Johnson,

Respondent - Appellee.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. Louise W. Flanagan, Chief District Judge. (CA-05-196-5-FL)

Submitted: January 18, 2006 Decided: February 14, 2006

Before NIEMEYER, GREGORY, and SHEDD, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Allan A. Petersen, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Allan A. Petersen appeals a district court order dismissing his 28 U.S.C. § 2241 (2000) petition. We affirm.

A federal prisoner seeking to challenge the legality of his conviction or sentence must proceed pursuant to § 2255, with § 2241 petitions generally reserved for challenges to the execution of the prisoner's sentence. In re Vial, 115 F.3d 1192, 1194 n.5 (4th Cir. 1997). However, in limited circumstances, § 2255 is "inadequate or ineffective" to test the legality of the detention. In those cases, the prisoner "may file a petition for a writ of habeas corpus in the district of confinement pursuant to § 2241." In re Jones, 226 F.3d 328, 333 (4th Cir. 2000). Petersen does not meet the Jones test because the mere fact he is unable to obtain or is procedurally barred from pursuing relief under § 2255 does not render that section inadequate or ineffective. See Jones, 226 F.3d at 333. Accordingly, we affirm the denial of § 2241 relief for the reasons stated by the district court. See Petersen v. Winkler, No. CA-05-196-5-FL (E.D.N.C. filed May 26, 2005; entered June 2, 2005). 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