

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-7170

DERRICK KIMBLE,

Petitioner - Appellant,

versus

JOHN L. LAMANNA, Warden,

Respondent - Appellee.

Appeal from the United States District Court for the District of
South Carolina, at Rock Hill. Margaret B. Seymour, District Judge.
(CA-04-862-MBS)

Submitted: April 28, 2006

Decided: May 23, 2006

Before WILKINSON, KING, and SHEDD, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Derrick Kimble, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Derrick Kimble, a federal prisoner, filed a petition under 28 U.S.C. § 2241 (2000), attacking his convictions under 18 U.S.C. § 924(c)(1) (2000). Although the district court construed the § 2241 petition as a motion under 28 U.S.C. § 2255 (2000), Kimble clearly intended to file a § 2241 petition. He argues on appeal that § 2255 is inadequate and ineffective to test the legality of his detention, contending that his claim should be considered in the context of his § 2241 petition. Because Kimble does not meet the standard of In Re: Jones, 226 F.3d 328, 333-34 (4th Cir. 2000), we affirm the denial of relief. We grant leave to proceed in forma pauperis and 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