

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-7267

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

SHAWN LEIGH JONES,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Newport News. Raymond A. Jackson, District Judge. (CR-01-68)

Submitted: December 22, 2005

Decided: January 3, 2006

Before WIDENER, NIEMEYER, and KING, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Shawn Leigh Jones, Appellant Pro Se. Fernando Groene, OFFICE OF THE UNITED STATES ATTORNEY, Newport News, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Shawn Leigh Jones, a federal prisoner, filed a petition under the All Writs Act, 28 U.S.C. § 1651 (2000), seeking to have his conviction and sentence vacated based on his claim of actual innocence. Though the district court construed the mandamus petition as a motion under 28 U.S.C. § 2255 (2000), Jones clearly intended to file a mandamus petition.

However, because Jones does not meet the standard for a mandamus petition, we affirm the district court's denial of relief. See Kerr v. United States Dist. Court, 426 U.S. 394, 402 (1976); In re Beard, 811 F.2d 818, 826 (4th Cir. 1987); In re First Fed. Sav. & Loan Ass'n, 860 F.2d 135, 138 (4th Cir. 1988). 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