

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-7542

TERRY LEE ROSEBORO,

Petitioner - Appellant,

versus

UNITED STATES OF AMERICA,

Respondent - Appellee.

Appeal from the United States District Court for the Southern
District of West Virginia, at Beckley. David A. Faber, Chief
District Judge. (5:04-cv-0389)

Submitted: August 24, 2006

Decided: August 28, 2006

Before KING, SHEDD, and DUNCAN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Terry Lee Roseboro, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Terry Lee Roseboro, a federal prisoner, appeals the district court's order accepting the magistrate judge's recommendation and dismissing his 28 U.S.C. § 2241 (2000) petition. We have reviewed the record and the district court's orders and find no reversible error. See Roseboro v. United States, No. 5:04-cv-0389 (S.D.W. Va. Mar. 31, 2005; Sept. 15, 2005). Accordingly, we grant Roseboro's motions for leave to proceed in forma pauperis and affirm on the ground that Roseboro's petition is properly characterized as an unauthorized successive 28 U.S.C. § 2255 (2000) motion. 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