

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-7317

ANGELA JAMES,

Plaintiff - Appellant,

versus

DEBORAH A. HICKEY, Warden, Federal Prison Camp
at Alderson,

Defendant - Appellee.

Appeal from the United States District Court for the Southern
District of West Virginia, at Bluefield. David A. Faber, Chief
District Judge. (1:04-cv-01029)

Submitted: November 15, 2006

Decided: January 30, 2007

Before NIEMEYER, KING, and GREGORY, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Angela James, Appellant Pro Se. Michael Lee Keller, OFFICE OF THE
UNITED STATES ATTORNEY, Charleston, West Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Angela James filed a petition under 28 U.S.C. § 2241 (2000), raising a claim under Blakely v. Washington, 542 U.S. 296 (2004). However, James failed to meet the standard under In re Jones, 226 F.3d 328, 333-34 (4th Cir. 2000), and is therefore not entitled to proceed under § 2241.* Accordingly, we deny James' motions for appointment of counsel, for leave to proceed in forma pauperis, and to hold her appeal in abeyance, and dismiss the appeal. 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.

DISMISSED

*The district court appeared to construe the petition as a motion under 28 U.S.C. § 2255 (2000), and dismissed it for failure to state a claim pursuant to 28 U.S.C. § 1915A(b)(1) (2000). Because the district court did not have jurisdiction under § 2255 to consider the validity of James' sentence on her convictions arising out of the Western District of North Carolina, we decline to consider this case under § 2255.