

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 06-7938**

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FREDERICK HAMILTON BANKS,

Petitioner - Appellant,

versus

PATRICIA R. STANSBERRY,

Respondent - Appellee.

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Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. Malcolm J. Howard, Senior District Judge. (5:06-hc-02153-H)

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Submitted: February 15, 2007

Decided: February 26, 2007

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Before NIEMEYER, KING, and DUNCAN, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Frederick Hamilton Banks, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Frederick Hamilton Banks, a federal prisoner, appeals the district court's order dismissing, without prejudice, his 28 U.S.C. § 2241 (2000) petition so that he may refile it as an action under Bivens v. Six Unknown Named Agents, 403 U.S. 388 (1981) and denying his motion for reconsideration. We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. Banks v. Stansberry, No. 5:06-hc-02153-H (E.D.N.C. Nov. 13 & Dec. 18, 2006). 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