

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 07-6643**

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ALFRED LEE MAULDIN,

Petitioner - Appellant,

versus

PATRICIA STANSBERRY, Warden

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. (5:07-hc-02002)

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Submitted: June 21, 2007

Decided: June 29, 2007

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Before NIEMEYER, WILLIAMS, and SHEDD, Circuit Judges.

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Affirmed as modified by unpublished per curiam opinion.

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Alfred Lee Mauldin, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Alfred Lee Mauldin seeks to appeal the district court's order dismissing his 28 U.S.C. § 2241 (2000) petition so he may refile it as an action under Bivens v. Six Unknown Named Agents, 403 U.S. 388 (1971). We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. See Mauldin v. Stansberry, No. 5:07-hc-02002 (E.D.N.C. Apr. 5, 2007). We modify the district court's order, however, to reflect that the dismissal is without prejudice. We deny Mauldin's motions to consolidate this appeal with No. 07-6199, an unrelated appeal pending in this court. 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 AS MODIFIED