

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 08-6755**

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CLEVELAND KILGORE, Ex Parte; CLEVELAND WINSTON KILGORE, Ex Parte,

Petitioner - Appellant,

v.

UNITED STATES GOVERNMENT; MICHAEL PETTIFORD, Warden,

Respondents - Appellees.

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Appeal from the United States District Court for the District of South Carolina, at Rock Hill. Henry F. Floyd, District Judge. (0:08-cv-00506-HFF)

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Submitted: June 26, 2008

Decided: July 3, 2008

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Before KING and DUNCAN, Circuit Judges, and WILKINS, Senior Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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Cleveland Kilgore, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Cleveland Kilgore, a federal prisoner, appeals the district court's order accepting the recommendation of the magistrate judge and dismissing without prejudice his "Writ of Mandamus" motion, construed as a petition for a writ of habeas corpus. We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. Kilgore v. United States Gov't, No. 0:08-cv-00506-HFF (D.S.C. filed Mar. 20 & entered Mar. 21, 2008). We further deny Kilgore's motion to amend/correct caption, deny as moot his motions for stay pending appeal and for bail or release pending appeal, and grant his motion to amend his informal brief. 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