

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-7962

ANDRE CHUNG,

Petitioner - Appellant,

v.

JOHN OWENS, Warden,

Respondent - Appellee.

Appeal from the United States District Court for the District of
South Carolina, at Columbia. Terry L. Wooten, District Judge.
(3:09-cv-02115-TLW)

Submitted: March 22, 2010

Decided: April 8, 2010

Before NIEMEYER, DUNCAN, and DAVIS, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Andre Chung, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Andre Chung, a federal prisoner, appeals the district court's order denying relief on his 28 U.S.C. § 2241 (2006) petition. We have reviewed the record and find no reversible error. Accordingly, we grant leave to proceed in forma pauperis and affirm for the reasons stated by the district court.* Chung v. Owens, No. 3:09-cv-02115-TLW (D.S.C. Oct. 9, 2009). 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

* In addition to the claims addressed by the district court, Chung contended that a negligent homicide conviction was improperly treated as a crime of violence, adversely impacting both his advisory Guidelines range and his custody classification. Section 2241 is not the proper vehicle for challenging alleged inaccuracies in a presentence report. See United States v. Benchimol, 471 U.S. 453, 457 (1985) (Stevens, J., concurring). With respect to the conviction's impact on his custody classification, Chung has failed to state a claim. See McKune v. Lile, 536 U.S. 24, 39-40 (2002); Slezak v. Evatt, 21 F.3d 590, 594 (4th Cir. 1994).