

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 11-6328

JULIAN EDWARD ROCHESTER,

Petitioner - Appellant,

v.

DAVID M. MCCALL, Warden of Perry Correctional Institution;
STATE OF SOUTH CAROLINA; JON OZMINT, Director of South
Carolina Department of Corrections,

Respondents - Appellees.

Appeal from the United States District Court for the District of
South Carolina, at Anderson. Henry M. Herlong, Jr., Senior
District Judge. (8:11-cv-00398-HMH-JDA)

Submitted: July 28, 2011

Decided: August 11, 2011

Before WILKINSON, DUNCAN, and DIAZ, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Julian Edward Rochester, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

South Carolina prisoner Julian Rochester appeals the district court's dismissal, without prejudice, of his 28 U.S.C.A. § 2241 (West 2006 & Supp. 2011) petition. To the extent that Rochester contends that he is being confined beyond the expiration of his criminal sentence, his claim is subject to dismissal because Rochester has not demonstrated exhaustion of state remedies, as required by § 2241. See Braden v. 30th Judicial Cir. Ct., 410 U.S. 484, 489-90 (1973). Rochester's claims of ineffective assistance of counsel challenge the validity of his convictions and should be brought, if at all, in a 28 U.S.C. § 2254 (2006) petition, see Wilkinson v. Dotson, 544 U.S. 74, 78 (2005), if Rochester obtains authorization from this court under 28 U.S.C. § 2244(b)(2) (2006) to file such a petition. Finally, Rochester's claims of denial of mail and phone privileges and beatings sound under 42 U.S.C. § 1983 (2000). We therefore affirm. We deny the motions for copies of documents and to expedite consideration of 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.

AFFIRMED