

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 98-6074

DERRICK EDWIN RECTOR,

Petitioner - Appellant,

versus

UNITED STATES OF AMERICA,

Respondent - Appellee.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. Terrence W. Boyle, Chief District Judge. (CA-97-833-5-BO)

Submitted: April 29, 1998

Decided: May 18, 1998

Before MURNAGHAN, NIEMEYER, and WILLIAMS, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Derrick Edwin Rector, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Appellant appeals the district court's order denying relief on his motion to reconsider the court's dismissal without prejudice of his petition filed under 28 U.S.C. § 2241 (1994), because Appellant failed to show that the remedy under 28 U.S.C.A. § 2255 (West 1994 & Supp. 1998), was inadequate or ineffective. We have reviewed the record and the district court's opinion and find no reversible error. Accordingly, we affirm on the reasoning of the district court. Rector v. United States, No. CA-97-833-5-BO (E.D.N.C. Dec. 22, 1997). We note that § 2255 is not rendered inadequate or ineffective merely because Appellant may be procedurally barred from filing the motion. See In re Vial, 115 F.3d 1192, 1194 n.5 (4th Cir. 1997) (citing Garris v. Lindsay, 794 F.2d 722, 726-27 (D.C. Cir. 1986) (per curiam)). 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