

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 98-6806

ROY HORTON,

Petitioner - Appellant,

versus

MARK C. HENRY, Warden,

Respondent - Appellee.

Appeal from the United States District Court for the District of Maryland, at Baltimore. J. Frederick Motz, Chief District Judge. (CA-98-418-JFM)

Submitted: August 27, 1998

Decided: September 18, 1998

Before NIEMEYER and HAMILTON, Circuit Judges, and BUTZNER, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Roy Horton, Appellant Pro Se. Lynne Ann Battaglia, United States Attorney, Larry David Adams, Assistant United States Attorney, Baltimore, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Roy Horton appeals from the district court's order dismissing his 28 U.S.C.A. § 2241 (West 1994 & Supp. 1998) petition. The claim raised by Horton was addressed on the merits in his direct appeal. See United States v. Horton, No. 95-5880 (4th Cir. Feb. 24, 1997) (unpublished). This court will not reconsider the issue on collateral review, absent an intervening change in the law. See Boeckenhaupt v. United States, 537 F.2d 1182, 1183 (4th Cir. 1976). There has been no such change. Therefore, we affirm the dismissal of Horton's petition. 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