

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 98-7697

DONALD WILLIAM LEWIS,

Petitioner - Appellant,

versus

DAVID GARRAGHTY, Warden, Greensville Correc-
tional Center,

Respondent - Appellee.

Appeal from the United States District Court for the Eastern Dis-
trict of Virginia, at Richmond. Richard L. Williams, Senior Dis-
trict Judge. (CA-97-798-3)

Submitted: March 2, 1999

Decided: September 21, 1999

Before WILKINS, NIEMEYER, and KING, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Jonathan S. David, Joseph D. Morrissey, MORRISSEY, HERSHNER &
JACOBS, Richmond, Virginia, for Appellant. Mark Earley, Attorney
General of Virginia, Vaughan C. Jones, Assistant Attorney General,
Richmond, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Donald William Lewis appeals from the district court's order finding that the appropriate statute under which to review his action was 42 U.S.C.A. § 1983 (West Supp. 1999), rather than 28 U.S.C.A. § 2254 (West 1994 & Supp. 1999). We find that the district court did not err by analyzing the action under § 1983. See Roller v. Cavanaugh, 984 F.2d 120, 122 (4th Cir. 1993). Consequently, we affirm. 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