

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 01-6151

COREY DESEAN HOOD,

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-00-944-5-BO)

Submitted: April 20, 2001

Decided: June 12, 2001

Before LUTTIG, MOTZ, and KING, Circuit Judges.

Affirmed as modified by unpublished per curiam opinion.

Corey DeSean Hood, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Corey DeSean Hood appeals the district court's order denying relief on his 28 U.S.C. § 2241 (1994) petition. We have reviewed the record and the district court's opinion and find no reversible error in its conclusion that Hood has failed to satisfy his burden of demonstrating that 28 U.S.C.A. § 2255 (West Supp. 2000) is an inadequate or ineffective means of challenging the validity of his detention. See § 2255 ¶ 5; Jeffers v. Chandler, 234 F.3d 277, 280 (5th Cir. 2000). However, we modify the district court's order to reflect a dismissal without prejudice, in order to allow Hood to refile his petition at such time as he is able to make such a demonstration. 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 AS MODIFIED