

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 01-7901

CARL HEADLEY CHAMBERS,

Petitioner - Appellant,

versus

JOSEPH M. BROOKS,

Respondent - Appellee.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Leonie M. Brinkema, District Judge. (CA-01-1389-AM)

Submitted: March 14, 2002

Decided: March 22, 2002

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

Affirmed by unpublished per curiam opinion.

Carl Headley Chambers, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Carl Headley Chambers 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. Accordingly, we affirm on the reasoning of the district court. See Chambers v. Brooks, No. CA-01-1389-AM (E.D. Va. filed Oct. 11, 2001; entered Oct. 12, 2001); see also United States v. Kinter, 235 F.3d 192, 201-02 (4th Cir. 2000) (holding that Apprendi v. New Jersey, 530 U.S. 466 (2000), does not apply to a judge's exercise of discretion within a statutory range so long as a defendant's sentence is not set beyond the maximum term specified in the substantive statute), cert. denied, 532 U.S. 937 (2001). We also deny Chambers' motion for a certificate of appealability. 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