

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 98-7461

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

ARTHUR PETER PELKEY,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Claude M. Hilton, Chief District Judge. (CR-97-160-A)

Submitted: December 22, 1998

Decided: January 26, 1999

Before WILKINS and WILLIAMS, Circuit Judges, and HALL, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Arthur Peter Pelkey, Appellant Pro Se. Thomas Higgins McQuillan, OFFICE OF THE UNITED STATES ATTORNEY, Alexandria, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Arthur Peter Pelkey appeals a district court's marginal order denying his motion for release to home confinement. We have reviewed the record and find that the district court did not err in denying the motion. Because Pelkey was not eligible for release to home confinement until December 1, 1998, months after he filed his motion, see 18 U.S.C.A. § 3624(c) (West Supp. 1998), and he did not exhaust the necessary administrative remedies, see 28 C.F.R. § 542.10 (1998), Pelkey was not entitled to the relief he seeks. Accordingly, we affirm the district court's denial of Pelkey's motion. 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