

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 98-7479

KARLOS S. DAVIS,

Petitioner - Appellant,

versus

MARK HENRY, Warden; FEDERAL BUREAU OF PRISONS,

Respondents - Appellees.

Appeal from the United States District Court for the District of Maryland, at Baltimore. Marvin J. Garbis, District Judge. (CA-98-1642-MJG)

Submitted: March 23, 1999

Decided: July 9, 1999

Before ERVIN, WILKINS, and NIEMEYER, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Karlos S. Davis, Appellant Pro Se. Lynne Ann Battaglia, United States Attorney, George Levi Russell, III, OFFICE OF THE UNITED STATES ATTORNEY, Baltimore, Maryland, for Appellees.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Karlos S. Davis appeals from a district court order denying relief on his 28 U.S.C. § 2241 (1994) petition. In his petition, Davis asserted that the Bureau of Prisons (BOP) erred in finding him ineligible for a sentence reduction under 18 U.S.C.A. § 3621(e)(2) (West Supp. 1998). The BOP found Davis did not qualify for the reduction because his offense was considered "violent" under its interpretation of § 3621(e)(2). The district court initially granted Davis' petition and ordered the BOP to reconsider his eligibility for sentence reduction. It then granted the Government's motion to alter or amend its judgment under Fed. R. Civ. P. 59(e) based upon our intervening decision in Pelissero v. Thompson, 155 F.3d 470 (4th Cir. 1998), withdrawn and reh'g granted, 1998 WL 971397 (4th Cir. Nov. 27, 1998) (No. 97-6156), on rehearing, ___ F.3d ___, 1999 WL 133112 (4th Cir. Mar 12, 1999) (Nos. 97-6156, 97-6221). See Collison v. International Chem. Workers Union, Local 217, 34 F.3d 233, 236 (4th Cir. 1994). Our review of the record discloses that the district court committed no reversible error.

Accordingly, we affirm the district court's denial of Davis' 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