

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 98-7750**

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KEITH FORDHAM,

Petitioner - Appellant,

versus

FRED GREENE, Warden, Mecklenberg Correctional  
Center, Boydton, Virginia 23917,

Respondent - Appellee.

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Appeal from the United States District Court for the Eastern Dis-  
trict of Virginia, at Richmond. Robert E. Payne, District Judge.  
(CA-98-119-3)

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Submitted: April 13, 1999

Decided: June 15, 1999

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Before WILKINS, NIEMEYER, and KING, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Jonathan Stanley David, MORRISSEY, HERSHNER & JACOBS, Richmond,  
Virginia, for Appellant. Mark L. Earley, Attorney General,  
Christopher G. Hill, Assistant Attorney General, Richmond, Vir-  
ginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Keith Fordham 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. 1998), rather than 28 U.S.C.A. § 2254 (West 1994 & Supp. 1998). 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