

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 99-7676

PLINIO BAUTISTA-ARIAS,

Petitioner - Appellant,

versus

ROBERT P. SHEARIN, Warden,

Respondent - Appellee.

Appeal from the United States District Court for the District of Maryland, at Greenbelt. Marvin J. Garbis, District Judge. (CA-99-3160-MJG)

Submitted: February 10, 2000

Decided: February 17, 2000

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

Dismissed by unpublished per curiam opinion.

Plinio Bautista-Arias, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Plinio Bautista-Arias seeks to appeal from the district court's order dismissing his action seeking post-conviction relief from his conviction. Although Bautista-Arias titled his action as arising under 28 U.S.C. § 2241 (1994), he challenged the validity and legality of his conviction for violating 18 U.S.C.A. § 924(c) (West Supp. 1999). Thus, the proper jurisdiction for his action was the place where his conviction was obtained, the District of Maryland. See 28 U.S.C.A. § 2255 (West Supp. 1999). Because the district court properly found that § 2255 provided an adequate remedy and that such a motion was time-barred, the court properly dismissed Bautista's action. Accordingly, we deny a certificate of appealability and dismiss this appeal. 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.

DISMISSED