

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-6793

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

WILLIAM HAZEL,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. Robert E. Payne, District Judge. (2:92-cr-00163-1; 3:05-cv-00611-REP)

Submitted: September 22, 2006

Decided: October 26, 2006

Before WILKINSON, MICHAEL, and KING, Circuit Judges.

Affirmed as modified by unpublished per curiam opinion.

William Hazel, Appellant Pro Se. Laura Marie Everhart, Assistant United States Attorney, Norfolk, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

William Hazel, a federal prisoner, appeals the district court's order construing his petition filed under 28 U.S.C. § 2241 (2000) as a 28 U.S.C. § 2255 (2000) motion and dismissing it as successive. Although Hazel alternatively sought, and received, transfer of his § 2241 petition from the District of Kansas, his place of confinement, to the Eastern District of Virginia, the sentencing court, Hazel states that he intended to file a § 2241 petition raising a challenge to the manner in which his sentence was calculated. Judicial review of a § 2241 petition must be sought in the district of confinement rather than the sentencing court. In re: Jones, 226 F.3d 328, 333 (4th Cir. 2000). In cases such as this one, where relief pursuant to § 2241 is sought in the sentencing court, the court is without jurisdiction to consider the request. On this basis, we affirm the district court's dismissal of Hazel's § 2241 petition without prejudice for lack of jurisdiction. 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 AS MODIFIED