

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 19-7192

RAYMOND TATE,

Petitioner - Appellant,

v.

UNITED STATES OF AMERICA; M. BRECKON, Warden,

Respondents - Appellees.

No. 19-7231

RAYMOND TATE,

Petitioner - Appellant,

v.

UNITED STATES OF AMERICA; M. BRECKON, Warden,

Respondents - Appellees.

Appeals from the United States District Court for the Western District of Virginia, at
Roanoke. Glen E. Conrad, District Judge. (7:19-cv-00290-GEC-PMS)

Submitted: December 6, 2019

Decided: December 20, 2019

Before NIEMEYER, DIAZ, and RUSHING, Circuit Judges.

Affirmed as modified by unpublished per curiam opinion.

Raymond Tate, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Raymond Tate appeals the district court's orders dismissing his 28 U.S.C. § 2241 (2012) petition and denying his Fed. R. Civ. P. 59(e) motion. Although we discern no reversible error in the court's assessment of Tate's petition, we disagree with the court's conclusion that it lacked jurisdiction because the claims Tate raised were not cognizable in a § 2241 petition. *See Crosby v. City of Gastonia*, 635 F.3d 634, 643 (4th Cir. 2011) (noting that, generally, where complaint insufficiently pleads substantial, nonfrivolous federal claims, appropriate disposition is dismissal for failure to state a claim, not for lack of subject matter jurisdiction). Accordingly, we grant leave to proceed in forma pauperis and affirm as modified to reflect a judgment on the merits. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED AS MODIFIED