

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 23-6757

FRANCIS CURTIS DAVIS, a/k/a Abdul-Malik Francis As-Salafi,

Petitioner - Appellant,

v.

WARDEN BROWN,

Respondent - Appellee.

Appeal from the United States District Court for the Northern District of West Virginia, at
Wheeling. John Preston Bailey, District Judge. (5:23-cv-00173-JPB-JPM)

Submitted: October 3, 2023

Decided: October 19, 2023

Before WILKINSON and KING, Circuit Judges, and MOTZ, Senior Circuit Judge.

Affirmed as modified by unpublished per curiam opinion.

Abdul-Malik Francis As-Salafi, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Francis Curtis Davis, a/k/a Abdul-Malik Francis As-Salafi, a federal prisoner, appeals the district court's order dismissing his 28 U.S.C. § 2241 petition, in which he challenged the execution of his sentence, for failure to exhaust alternative remedies. We have reviewed the record and find no reversible error. *See Timms v. Johns*, 627 F.3d 525, 530-31 (4th Cir. 2010). Accordingly, we affirm the district court's order, *see Davis v. Brown*, No. 5:23-cv-00173-JPB-JPM (N.D.W. Va. July 26, 2023), but we modify the dismissal to be without prejudice, *see* 28 U.S.C. § 2106; *Timms*, 627 F.3d at 533. We deny the motion for bond or release pending appeal as moot. 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