

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-7011

BRETT C. KIMBERLIN,

Plaintiff - Appellant,

versus

WARDEN,

Defendant - Appellee.

Appeal from the United States District Court for the District of Maryland, at Baltimore. Alexander Williams, Jr., District Judge. (CA-04-2881-AW)

Submitted: February 22, 2006

Decided: March 8, 2006

Before WILLIAMS and TRAXLER, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Brett C. Kimberlin, Appellant Pro Se. Tamera Lynn Fine, OFFICE OF THE UNITED STATES ATTORNEY, Baltimore, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Brett C. Kimberlin filed a petition under 28 U.S.C. § 2241 (2000), which the district court construed as a motion under 28 U.S.C. § 2255 (2000), and dismissed for lack of jurisdiction. Although the district court construed the § 2241 petition as a § 2255 motion, Kimberlin clearly intended to file a § 2241 petition. Kimberlin asserts on appeal that § 2255 is inadequate and ineffective to test the legality of his detention and contends that his claims should be considered in the context of his § 2241 petition. Because Kimberlin does not meet the standard set forth in In re Jones, 226 F.3d 328, 333-34 (4th Cir. 2000), we affirm the denial of relief. 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