

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-6091

WARDEN, FEDERAL CORRECTIONAL INSTITUTION
Cumberland,

Plaintiff - Appellee,

versus

STEPHEN EARL POLLARD,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern
District of Virginia, at Alexandria. James C. Cacheris, Senior
District Judge. (1:05-cv-01199-JCC)

Submitted: April 20, 2006

Decided: April 26, 2006

Before MICHAEL, KING, and DUNCAN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Stephen Earl Pollard, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Stephen Earl Pollard, a federal prisoner, filed a petition under 28 U.S.C. § 2241 (2000), raising claims under United States v. Booker, 543 U.S. 220 (2005). Although the district court construed the § 2241 petition as a motion under 28 U.S.C. § 2255 (2000), Pollard clearly intended to file a § 2241 petition. He argued below that § 2255 is inadequate and ineffective to test the legality of his detention and contended that his claims should be considered in the context of his § 2241 petition. Because Pollard 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