

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-7767

JOHNNY MCGUIRE HAMMACK,

Petitioner - Appellant,

versus

UNITED STATES OF AMERICA,

Respondent - Appellee.

Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. Richard L. Williams, Senior District Judge. (3:06-cv-00456-RLW)

Submitted: February 22, 2007

Decided: March 2, 2007

Before WILLIAMS, MOTZ, and SHEDD, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Johnny McGuire Hammack, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Johnny McGuire Hammack appeals the district court's order denying relief on his petition, filed under 28 U.S.C. § 2241 (2000), in which Hammack challenged the duration of his sentence. As the district court correctly concluded, Hammack does not meet the standard under In re Jones, 226 F.3d 328, 333-34 (4th Cir. 2000); thus, he was not entitled to proceed under § 2241.* Accordingly, we affirm the denial of relief. Further, we grant Hammack leave to proceed in forma pauperis on appeal, but deny Hammack's pending motion for the appointment of counsel.

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

*The district court also construed the petition as a motion under 28 U.S.C. § 2255 (2000), and dismissed it as successive. Because the district court did not have jurisdiction under § 2255 to consider the validity of Hammack's sentence on his convictions arising out of the Western District of Virginia, we decline to consider this case under § 2255.