

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 07-6602**

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FREDERICK HAMILTON BANKS,

Petitioner - Appellant,

versus

PATRICIA R. STANSBERRY,

Respondent - Appellee.

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Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. Malcolm J. Howard, Senior District Judge. (5:07-hc-02011-H)

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Submitted: July 19, 2007

Decided: July 25, 2007

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Before MOTZ and GREGORY, Circuit Judges, and WILKINS, Senior Circuit Judge.

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Affirmed as modified by unpublished per curiam opinion.

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Frederick Hamilton Banks, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Frederick Hamilton Banks, a federal prisoner, appeals the district court's order dismissing his 28 U.S.C. § 2241 (2000) petition. We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court, but we modify the dismissal to reflect that it is without prejudice. Banks v. Stansberry, No. 5:07-hc-02011-H (E.D.N.C. Apr. 5, 2007). 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 AS MODIFIED