UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-6654

JAMES PRESTON SMITH,

Plaintiff - Appellant,

versus

CHARLES HAYDEN, Judge; THOMAS D. STEVENS, PO; DANNY R. KUHN, PO; SAM SAMPLES, PO; WILLIAM TURNER, Att,

Defendants - Appellees.

Appeal from the United States District Court for the Southern District of West Virginia, at Beckley. Thomas E. Johnston, District Judge. (5:06-cv-00479)

Submitted: January 17, 2008 Decided: January 23, 2008

Before TRAXLER, SHEDD, and DUNCAN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

James Preston Smith, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

James Preston Smith, a federal prisoner, appeals the district court's order accepting in part the recommendation of the magistrate judge and denying relief on his consolidated 28 U.S.C. § 2241 (2000) petitions.* We have reviewed the record and find no reversible error. Accordingly, although we grant Smith's motion to proceed in forma pauperis, we affirm for the reasons stated by the district court. Smith v. Hayden, No. 5:06-cv-00479 (S.D.W. Va. Mar. 28, 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

*The district court accepted the magistrate judge's recommendation to characterize the petitions as successive 28 U.S.C. § 2255 (2000) motions and to dismiss them because Smith failed to obtain authorization from this court to file successive § 2255 motions pursuant to 28 U.S.C. § 2244 (2000). The district court declined, however, to accept the magistrate judge's recommendation to dismiss Smith's claims as time-barred.