

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 10-7253

JOHNNIE ELVIN MCKELVEY,

Petitioner - Appellant,

v.

MILDRED L. RIVERA, Warden,

Respondent - Appellee.

Appeal from the United States District Court for the District of South Carolina, at Florence. Henry F. Floyd, District Judge. (4:10-cv-00422-HFF)

Submitted: December 16, 2010

Decided: December 29, 2010

Before GREGORY, DUNCAN, and DAVIS, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Johnnie Elvin McKelvey, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Johnnie Elvin McKelvey, a federal prisoner, appeals the district court's order adopting the recommendation of the magistrate judge and denying relief on his 28 U.S.C.A. § 2241 (West 2006 & Supp. 2010) petition. We have reviewed the record and find no reversible error. Accordingly, although we grant leave to proceed in forma pauperis, we affirm for the reasons stated by the district court. McKelvey v. Rivera, No. 4:10-cv-00422-HFF (D.S.C. July 27, 2010). We deny McKelvey's motion to seal and 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