UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 11-6235

LARRY ARNOLD YOUNG,

Petitioner – Appellant,

v.

PATRICIA R. STANSBERRY, Warden,

Respondent – Appellee.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Anthony J. Trenga, District Judge. (1:09-cv-01276-AJT-TCB)

Submitted: June 23, 2011 Decided: July 6, 2011

Before NIEMEYER, AGEE, and KEENAN, Circuit Judges.

Affirmed as modified by unpublished per curiam opinion.

Larry Arnold Young, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Larry Arnold Young appeals the district court's order dismissing without prejudice his 28 U.S.C. § 2241 (2006) petition for failure to comply with the court's order. We have reviewed the record and affirm the dismissal, but modify the disposition to dismissal with prejudice. In his § 2241 petition, Young sought a reduction in sentence based on Amendment 657 to the United States Sentencing Guidelines. Because Young previously sought this identical relief, and the district court denied relief on the merits, see United States v. Young, No. 1:88-cr-00112-1 (S.D. W. Va. Apr. 29, 2010); United States v. Young, No. 1:88-cr-00112-1 (S.D. W. Va. Apr. 21, 2006), Young's attempt to relitigate this claim is barred. We therefore affirm the dismissal of the petition, but note that the dismissal is with prejudice to Young's ability to file another motion seeking this same relief. Young's motion to proceed in forma pauperis is granted. 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