

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 12-7358

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

TYREZE HUGHES, a/k/a Tony Jermain Milton,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Charleston. Patrick Michael Duffy, Senior District Judge. (2:09-cr-00682-PMD-1)

Submitted: December 20, 2012

Decided: December 26, 2012

Before KING and DUNCAN, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed as modified by unpublished per curiam opinion.

Tyreze Hughes, Appellant Pro Se. Robert Nicholas Bianchi, OFFICE OF THE UNITED STATES ATTORNEY, Charleston, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM

Tyreze Hughes seeks to appeal the district court's margin order that denied his "motion for additional jail time credit." We conclude that the district court did not have jurisdiction to consider Hughes's claim because such claims, which challenge the execution of a sentence, must be filed in a petition under 28 U.S.C. § 2241 (2006), in the district court where the prisoner is confined. United States v. Miller, 871 F.2d 488, 489-90 (4th Cir. 1989). Hughes currently is confined in Beaver, West Virginia, but he filed the instant petition in the sentencing court in the District of South Carolina. Because the district court lacked jurisdiction, we affirm the denial of relief, as modified to reflect that the dismissal is without prejudice. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED AS MODIFIED