

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 12-7943

THOMAS J. ISBELL,

Petitioner - Appellant,

v.

RUSSELL PURDUE, f/k/a Purdue, Warden,

Respondent - Appellee.

Appeal from the United States District Court for the Northern
District of West Virginia, at Elkins. John Preston Bailey,
Chief District Judge. (2:12-cv-00058-JPB-DJJ)

Submitted: March 28, 2013

Decided: April 1, 2013

Before NIEMEYER, KING, and KEENAN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Thomas J. Isbell, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Thomas J. Isbell, a federal prisoner, appeals the district court's order denying his motion to reconsider the order denying relief on his 28 U.S.C.A. § 2241 (West Supp. 2012) petition challenging his detention. Although the district court denied relief on the merits, we conclude that Isbell did not meet the criteria for proceeding under § 2241 in the first instance, because he failed to demonstrate that 28 U.S.C.A. § 2255 (West Supp. 2012) was inadequate or ineffective to test his detention. In re Jones, 226 F.3d 328, 333-34 (4th Cir. 2000). Accordingly, we affirm. 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