

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-7161

JOSEPH M. CHERRY, II,

Petitioner - Appellant,

v.

WARDEN TERRY O'BRIEN,

Respondent - Appellee,

and

USP HAZELTON,

Respondent.

Appeal from the United States District Court for the Northern
District of West Virginia, at Martinsburg. Gina M. Groh,
District Judge. (3:13-cv-00001-GMG-DJJ)

Submitted: October 17, 2013

Decided: October 21, 2013

Before AGEE, DAVIS, and KEENAN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Joseph M. Cherry, II, Appellant Pro Se. Helen Campbell
Altmeyer, Jarod James Douglas, Assistant United States
Attorneys, Wheeling, West Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Joseph M. Cherry, II, a federal prisoner, appeals the district court's order accepting the recommendation of the magistrate judge and denying relief on his 28 U.S.C.A. § 2241 (West 2006 & Supp. 2013) petition. We have reviewed the record and find no reversible error. Accordingly, although we grant leave to proceed in forma pauperis, we affirm the district court's order. Cherry v. O'Brien, No. 3:13-cv-00001-GMG-DJJ (N.D.W. Va. June 19, 2013). 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