

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 14-6439**

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PRESTON S. LEWIS,

Petitioner - Appellant,

v.

ANGELA P. DUNBAR, Warden,

Respondent - Appellee.

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Appeal from the United States District Court for the Eastern District of North Carolina, at  
Raleigh. James C. Dever III, District Judge. (5:13-hc-02169-D)

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Submitted: December 21, 2018

Decided: January 7, 2019

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Before KEENAN, THACKER, and RICHARDSON, Circuit Judges.

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Vacated and remanded by unpublished per curiam opinion.

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Preston S. Lewis, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Preston S. Lewis, a federal prisoner, appeals from the district court's order dismissing his 28 U.S.C. § 2241 (2012) petition. The district court ruled that Lewis' challenge to his career offender designation was not cognizable under § 2241 pursuant to *In re Jones*, 226 F.3d 328 (4th Cir. 2000). However, when it issued its decision, the district court did not have the benefit of our recent decisions in *Lester v. Flourney*, 909 F.3d 708 (4th Cir. 2018), and *United States v. Wheeler*, 886 F.3d 415 (4th Cir. 2018), *petition for cert. filed*, \_\_ U.S.L.W. \_\_ (U.S. Oct. 3, 2018) (No. 18-420). In both cases, we held that an inmate may, under certain circumstances, challenge the legality of his sentence in a § 2241 petition. *Lester*, 909 F.3d at 711-12; *Wheeler*, 886 F.3d at 426-29.

Accordingly, we grant leave to proceed in forma pauperis, vacate the district court's order, and remand this case for further consideration of Lewis' petition in light of *Lester* and *Wheeler*. We deny as moot Lewis' motions to amend. 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.

VACATED AND REMANDED