

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 15-2286

In re: BRIAN WILLIAM SCHUMAKER,
Petitioner.

On Petition for Writ of Habeas Corpus.

Submitted: February 23, 2016 Decided: February 25, 2016

Before MOTZ and GREGORY, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Petition dismissed by unpublished per curiam opinion.

Brian William Schumaker, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Brian William Schumaker filed a petition for an original writ of habeas corpus challenging various aspects of his convictions and sentence. This court ordinarily declines to entertain original habeas corpus petitions under 28 U.S.C. § 2241 (2012), and this case provides no reason to depart from the general rule. Our review reveals that Schumaker has a 28 U.S.C. § 2255 (2012) motion currently pending in the United States District Court for the Northern District of Georgia. To the extent Schumaker challenges the United States District Court for the District of South Carolina's denial of relief on his 42 U.S.C. § 1983 (2012) complaint, an original habeas petition filed in this court cannot serve as a substitute for a properly filed appeal. Accordingly, we find that the interests of justice would not be served by transferring the case to the district court. See 28 U.S.C. § 1631 (2012). Therefore, although we grant Schumaker's motion to supplement his petition, we deny leave to proceed in forma pauperis and dismiss the petition. 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.

PETITION DISMISSED