

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 15-6021**

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JEROME CAPELTON,

Petitioner - Appellant,

v.

WARDEN,

Respondent - Appellee.

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Appeal from the United States District Court for the District of South Carolina, at Greenville. R. Bryan Harwell, District Judge. (6:14-cv-01997-RBH)

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Submitted: September 22, 2016

Decided: October 26, 2016

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Before KEENAN and HARRIS, Circuit Judges, and DAVIS, Senior Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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Jerome Capelton, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Jerome Capelton, 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. § 2241 (2012) petition. "[W]e may affirm a district court's ruling on any ground apparent in the record," United States ex rel. Drakeford v. Tuomey, 792 F.3d 364, 375 (4th Cir. 2015), and we may take judicial notice of court records, see City of Charleston v. A Fisherman's Best, Inc., 310 F.3d 155, 172 (4th Cir. 2002). The United States Court of Appeals for the First Circuit has recently noted that Capelton has three predicate convictions for controlled substance offenses supporting his career offender status. Capelton v. United States, No. 15-2163 (1st Cir. Nov. 30, 2015). Thus, even assuming Capelton may successfully challenge his predicate larceny conviction in a § 2241 proceeding, he would remain a career offender based on the convictions identified by the First Circuit, and he would be entitled to no relief. Accordingly, we affirm the district court's order. Capelton v. Warden, No. 6:14-cv-01997-RBH (D.S.C. Nov. 18, 2014). 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