

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 15-6154**

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CAESAREA DEVELLE JAMES, JR.,

Petitioner - Appellant,

v.

ANNE MARY CARTER, The Warden of MCI of the Federal  
Correctional Institution of Morgantown,

Respondent - Appellee.

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Appeal from the United States District Court for the Northern  
District of West Virginia, at Elkins. John Preston Bailey,  
District Judge. (2:14-cv-00042-JPB-JES)

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Submitted: November 30, 2015

Decided: December 4, 2015

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Before MOTZ, GREGORY, and DUNCAN, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Caesarea Develle James, Jr., Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Caesarea Develle James, Jr., a federal prisoner, appeals the district court's order accepting the recommendation of the magistrate judge to deny relief on James' 28 U.S.C. § 2241 (2012) petition and/or Fed. R. Civ. P. 60(b) motion.\* We have reviewed the record and find no reversible error. Accordingly, although we grant leave to proceed in forma pauperis, we affirm for the reasons stated by the district court. James v. Carter, No. 2:14-cv-00042-JPB-JES (N.D. W. Va. Oct. 29, 2014). We further deny as moot James' motion for a preliminary injunction. 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

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\* We construed James' untimely notice of appeal as a motion for extension of time to file a notice of appeal and, accordingly, remanded to the district court to determine whether James had demonstrated excusable neglect or good cause warranting an extension of the appeal period. On remand, the district court made the necessary findings and granted the motion for extension of time.