

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-6421

DAVID GLENN GREEN,

Petitioner - Appellant,

v.

JUSTIN F. ANDREWS,

Respondent - Appellee.

Appeal from the United States District Court for the Western
District of North Carolina, at Statesville. Frank D. Whitney,
Chief District Judge. (5:15-cv-00097-FDW)

Submitted: September 20, 2016 Decided: September 28, 2016

Before MOTZ, KING, and SHEDD, Circuit Judges.

Affirmed by unpublished per curiam opinion.

David Glenn Green, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

David Glenn Green appeals from the district court's order denying his 28 U.S.C. § 2241 (2012) petition. Green contends that he is no longer a career offender after Johnson v. United States, 135 S. Ct. 2551 (2015). However, Green received a mandatory life sentence under 18 U.S.C. § 3559(c) (2012). As such, his sentence was not driven by his career offender status. While Green contends that he was incorrectly sentenced under § 3559(c), we hold that this claim is not cognizable under 28 U.S.C. § 2241 (2012), given the facts of Green's case. Accordingly, although we grant leave to proceed in forma pauperis, we affirm the district court's order. 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