

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 17-1985

In re: JAMES DOW VANDIVERE,

Petitioner.

On Petition for Writ of Habeas Corpus

Submitted: November 16, 2017

Decided: November 20, 2017

Before GREGORY, Chief Judge, and TRAXLER and KEENAN, Circuit Judges.

Petition dismissed by unpublished per curiam opinion.

James Dow Vandivere, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

James Dow Vandivere has filed an original petition for a writ of habeas corpus under 28 U.S.C. § 2241 (2012), challenging the legality of his commitment to the custody of the Attorney General under 18 U.S.C. § 4248 (2012) and seeking release. This court ordinarily declines to entertain original habeas corpus petitions under 28 U.S.C. § 2241, and this case provides no reason to depart from the general rule. Currently pending in this court is Vandivere's appeal of the district court's order committing him to the custody of the Attorney General under 18 U.S.C. § 4248. 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 this case to the district court. *See* 28 U.S.C. § 1631 (2012); Fed. R. App. P. 22(a). Accordingly, 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