

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 18-6019

MISCHA WALKER,

Petitioner - Appellant,

v.

S. KASSELL, Warden,

Respondent - Appellee.

Appeal from the United States District Court for the Northern District of West Virginia,
at Elkins. John Preston Bailey, District Judge. (2:17-cv-00048-JPB)

Submitted: May 22, 2018

Decided: June 13, 2018

Before NIEMEYER, KEENAN, and FLOYD, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Mischa Absolomon Walker, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Mischa Absolomon Walker, 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. We have reviewed the record and find no reversible error. Accordingly, although we grant leave to proceed in forma pauperis, we affirm because the case upon which Walker relies, *United States v. Mathis*, 136 S. Ct. 2243 (2016), has not been held retroactively applicable on collateral review, so Walker may not proceed under § 2241. *See United States v. Wheeler*, 886 F.3d 415, 429 (4th Cir. 2018) (holding that federal prisoner may file a successive claim for relief under § 2241 following change in substantive law that is retroactively applicable on collateral review, when sentence “now presents an error sufficiently grave to be deemed a fundamental defect”). 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