

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 18-6039

WESLEY DAY,

Petitioner - Appellant,

v.

JUSTIN ANDREWS,

Respondent - Appellee.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. Terrence W. Boyle, District Judge. (5:17-hc-02038-BO)

Submitted: May 31, 2018

Decided: July 10, 2018

Before MOTZ, KING, and KEENAN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Wesley Day, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Wesley Day, a federal prisoner, appeals the district court's order dismissing without prejudice his 28 U.S.C. § 2241 (2012) petition for lack of subject matter jurisdiction. Having reviewed the record, we conclude that the district court lacked jurisdiction because Day's attack on his sentence does not fall within the savings clause of 28 U.S.C. § 2255(e) (2012). Accordingly, although we grant leave to proceed in forma pauperis, we affirm the judgment of the district court. 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