

**UNPUBLISHED**

**UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT**

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**No. 18-6116**

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ASHLEY TERRELL BROOKS,

Petitioner - Appellant,

v.

ERIC WILSON, Warden,

Respondent - Appellee.

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Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. Robert E. Payne, Senior District Judge. (3:16-cv-00857-REP-RCY)

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Submitted: June 28, 2018

Decided: August 3, 2018

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Before TRAXLER, THACKER, and HARRIS, Circuit Judges.

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Vacated and remanded by unpublished per curiam opinion.

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Jeremy C. Kamens, Federal Public Defender, Patrick L. Bryant, Appellate Attorney, Alexandria, Virginia, Joseph S. Camden, Assistant Federal Public Defender, OFFICE OF THE FEDERAL PUBLIC DEFENDER, Richmond, Virginia, for Appellant. G. Zachary Terwilliger, United States Attorney, Alexandria, Virginia, Richard D. Cooke, Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Richmond, Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Ashley Terrell Brooks, a federal prisoner, appeals the district court's order dismissing with prejudice Brooks' 28 U.S.C. § 2241 (2012) petition in which Brooks sought to challenge his armed career criminal designation. The district court determined that Brooks was unable to challenge his sentence under the savings clause of 28 U.S.C. § 2255(e) (2012). The district court did not have the benefit of our recent decision in *United States v. Wheeler*, 886 F.3d 415 (4th Cir. 2018). In light of *Wheeler*, we vacate the district court's order and remand the case for further proceedings. 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.

*VACATED AND REMANDED*