

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 18-6572**

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MONTI N. BELLAMY,

Petitioner - Appellant,

v.

GIO RAMIREZ, Warden,

Respondent - Appellee,

and

FEDERAL BUREAU OF PRISONS; UNITED STATES ATTORNEY  
GENERAL,

Respondents.

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Appeal from the United States District Court for the District of South Carolina, at  
Charleston. Mary G. Lewis, District Judge. (2:17-cv-01782-MGL)

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Submitted: July 19, 2018

Decided: July 24, 2018

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Before WILKINSON, MOTZ, and AGEE, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Monti N. Bellamy, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

## PER CURIAM:

Monti N. Bellamy, a federal prisoner, appeals the district court's orders adopting the magistrate judge's recommendation to dismiss his 28 U.S.C. § 2241 (2012) petition, in which Bellamy sought to challenge his armed career criminal designation, and denying Bellamy's Fed. R. Civ. P. 59(e) motion to alter or amend judgment. We have reviewed the record and find no reversible error. Specifically, Bellamy's § 2241 petition was predicated on the Supreme Court's ruling in *Mathis v. United States*, \_\_\_ U.S. \_\_\_, 136 S. Ct. 2243 (2016). But this ruling has not been held to apply retroactively to cases on collateral review, as is required to raise a sentencing challenge in a § 2241 petition. *See United States v. Wheeler*, 886 F.3d 415, 428-29 (4th Cir. 2018) (holding that federal prisoner may challenge his sentence in a § 2241 proceeding following a change in substantive law that is retroactively applicable on collateral review, when "the sentence now presents an error sufficiently grave to be deemed a fundamental defect"). Accordingly, we grant Bellamy leave to proceed in forma pauperis and affirm the district court's orders. *See Bellamy v. Ramirez*, No. 2:17-cv-01782-MGL (D.S.C. Mar. 28 & May 2, 2018). 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*