

UNPUBLISHED

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

No. 18-7373

MR. CASEY LUCZAK,

Petitioner - Appellant,

v.

MR. JOE COAKLEY, Warden,

Respondent - Appellee.

Appeal from the United States District Court for the Northern District of West Virginia,
at Wheeling. Frederick P. Stamp, Jr., Senior District Judge. (5:16-cv-00189-FPS)

Submitted: February 28, 2019

Decided: March 6, 2019

Before WILKINSON and THACKER, Circuit Judges, and TRAXLER, Senior Circuit
Judge.

Affirmed as modified by unpublished per curiam opinion.

Casey Luczak, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Casey Luczak, 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 Luczak leave to proceed in forma pauperis, we affirm for the reasons stated by the district court. *Luczak v. Coakley*, No. 5:16-cv-00189-FPS (N.D.W. Va. Sept. 10, 2018). However, we modify the district court's order to clarify that its dismissal of Luczak's challenges to his conviction and sentence is without prejudice. See *S. Walk at Broadlands Homeowner's Ass'n v. OpenBand at Broadlands, LLC*, 713 F.3d 175, 185 (4th Cir. 2013); *Rice v. Rivera*, 617 F.3d 802, 807-08 (4th Cir. 2010). We deny Luczak's motion to arrest judgment. 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 AS MODIFIED