

UNPUBLISHED

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

No. 19-6327

NEAL BENJAMIN,

Petitioner - Appellant,

v.

JENNIFER SAAD,

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. (5:17-cv-00161-FPS)

Submitted: May 16, 2019

Decided: May 21, 2019

Before DIAZ and THACKER, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Neal Benjamin, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Neal Benjamin, a federal prisoner, appeals the district court's order accepting the recommendation of the magistrate judge and dismissing his 28 U.S.C. § 2241 (2012) petition for failing to satisfy the criteria articulated in *United States v. Wheeler*, 886 F.3d 415, 429 (4th Cir. 2018), *cert. denied*, 139 S. Ct 1318 (2019). We have reviewed the record and find no reversible error. Accordingly, we grant leave to proceed in forma pauperis and affirm for the reasons stated by the district court. *Benjamin v. Saad*, No. 5:17-cv-00161-FPS (N.D.W. Va. Feb. 22, 2019). 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