

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 19-7776

WAKEEL ABDUL-SABUR,

Petitioner - Appellant,

v.

UNITED STATES OF AMERICA,

Respondent - Appellee.

Appeal from the United States District Court for the Western District of Virginia, at
Roanoke. Glen E. Conrad, District Judge. (7:18-cv-00107-GEC-PMS)

Submitted: February 18, 2020

Decided: February 21, 2020

Before MOTZ, HARRIS, and QUATTLEBAUM, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Wakeel Abdul-Sabur, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Wakeel Abdul-Sabur appeals from the district court's order dismissing his 28 U.S.C. § 2241 (2018) petition—in which he sought to challenge his 46-month sentence for mailing a threatening communication, in violation of 18 U.S.C. § 876 (2018), by way of the savings clause in 28 U.S.C. § 2255 (2018)—and its order denying his motion for reconsideration under Fed. R. Civ. P. 59(e). Pursuant to § 2255(e), a prisoner may challenge his sentence in a traditional writ of habeas corpus pursuant to § 2241 if a § 2255 motion would be inadequate or ineffective to test the legality of his detention.

[Section] 2255 is inadequate and ineffective to test the legality of a sentence when: (1) at the time of sentencing, settled law of this circuit or the Supreme Court established the legality of the sentence; (2) subsequent to the prisoner's direct appeal and first § 2255 motion, the aforementioned settled substantive law changed and was deemed to apply retroactively on collateral review; (3) the prisoner is unable to meet the gatekeeping provisions of § 2255(h)(2) for second or successive motions; and (4) due to this retroactive change, the sentence now presents an error sufficiently grave to be deemed a fundamental defect.

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 affirm for the reasons stated by the district court. *Abdul-Sabur v. United States*, No. 7:18-cv-00107-GEC-PMS (W.D. Va. Aug. 27 & Nov. 21, 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