

UNPUBLISHED

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

No. 20-6457

STEVEN MARTINEZ,

Petitioner - Appellant,

v.

BRYAN M. ANTONELLI, Warden USP Hazelton; WILLIAM P. BARR, U.S.
Attorney General,

Respondents - Appellees.

Appeal from the United States District Court for the Northern District of West Virginia, at
Martinsburg. Gina M. Groh, Chief District Judge. (3:19-cv-00059-GMG)

Submitted: June 18, 2020

Decided: June 23, 2020

Before FLOYD, THACKER, and RUSHING, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Steven Martinez, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Steven Martinez, a federal prisoner, appeals the district court's order accepting the recommendation of the magistrate judge and denying relief on Martinez's 28 U.S.C. § 2241 (2018) petition in which he sought to challenge his convictions and sentence by way of the savings clause in 28 U.S.C. § 2255 (2018). Pursuant to § 2255(e), a prisoner may challenge his convictions and sentence in a traditional writ of habeas corpus under § 2241 if a § 2255 motion would be inadequate or ineffective to test the legality of his detention. Here, the district court correctly determined that Martinez may not challenge the validity of his convictions and sentence through a § 2241 petition, as the conduct for which he was convicted remains criminal, *In re Jones*, 226 F.3d 328, 333-34 (4th Cir. 2000), and he failed to identify a retroactive change in the substantive law affecting his sentence, *United States v. Wheeler*, 886 F.3d 415, 429 (4th Cir. 2018). Accordingly, we affirm for the reasons stated by the district court. *Martinez v. Antonelli*, No. 3:19-cv-00059-GMG (N.D.W. Va. Mar. 11, 2020). 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