

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 21-7164**

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SHARU BEY,

Petitioner - Appellant,

v.

B. SULLIVAN, Warden FCI Butner,

Respondent - Appellee.

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Appeal from the United States District Court for the Eastern District of North Carolina, at  
Raleigh. Richard E. Myers, II, Chief District Judge. (5:19-hc-02265-M)

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Submitted: June 9, 2022

Decided: June 27, 2022

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Before WYNN, RICHARDSON, and RUSHING, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Sharu Bey, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Sharu Bey, a federal prisoner, appeals the district court's order dismissing without prejudice his 28 U.S.C. § 2241 petition in which he sought to challenge his conviction and sentence by way of the savings clause in 28 U.S.C. § 2255. Pursuant to § 2255(e), a prisoner may challenge his conviction 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 Bey may not challenge the validity of his conviction 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. *Bey v. Sullivan*, No. 5:19-hc-02265-M (E.D.N.C. July 8, 2021). 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*