

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 21-7223**

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MARIO ANTON LEE,

Petitioner - Appellant,

v.

WARDEN, U.S.P. Hazelton,

Respondent - Appellee.

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Appeal from the United States District Court for the Northern District of West Virginia, at Martinsburg. Gina M. Groh, Chief District Judge. (3:20-cv-00180-GMG)

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Submitted: November 17, 2021

Decided: November 30, 2021

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Before NIEMEYER and THACKER, Circuit Judges, and KEENAN, Senior Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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Mario Anton Lee, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Mario Anton Lee, a federal prisoner, appeals the district court's order accepting the magistrate judge's recommendation to deny relief on Lee's 28 U.S.C. § 2241 petition, and the district court's order denying reconsideration. Because Lee challenged the legality of his sentence, Lee's § 2241 petition should be construed as a motion under 28 U.S.C. § 2255. *See Fontanez v. O'Brien*, 807 F.3d 84, 86 (4th Cir. 2015) ("As a general matter, a federal prisoner must challenge the execution of a sentence under 28 U.S.C. § 2241, and the sentence itself under 28 U.S.C. § 2255."). However, any such motion had to be filed in the Northern District of Alabama, the court that sentenced Lee; therefore, the district court lacked jurisdiction to consider Lee's claims. *See* 28 U.S.C. § 2255(a) (requiring motion under § 2255 to be filed by "the court which imposed the sentence"). Moreover, to the extent that Lee sought to invoke the savings clause of § 2255(e), he failed to meet the requirements for bringing a challenge to his sentence under § 2241. *See United States v. Wheeler*, 886 F.3d 415, 429 (4th Cir. 2019) (stating standard for challenging sentence under § 2255(e) and § 2241). Accordingly, we affirm. *See Tyler v. Hooks*, 945 F.3d 159, 170 (4th Cir. 2019) (noting we may affirm on any grounds supported by the record), *cert. denied*, 140 S. Ct. 2785 (2020). We deny Lee's motion for the appointment of counsel and motions for bail or release pending appeal. 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*