**UNPUBLISHED**

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

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**No. 22-6076**

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KAMIL HAKEEM JOHNSON,

Petitioner - Appellant,

v.

R. M. WOLFE, Warden,

Respondent - Appellee.

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Appeal from the United States District Court for the Northern District of West Virginia, at Wheeling. John Preston Bailey, District Judge. (5:21-cv-00170-JPB-JPM)

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Submitted: May 19, 2022 Decided: May 24, 2022

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Before MOTZ and HARRIS, Circuit Judges, and TRAXLER, Senior Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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Kamil Johnson, Appellant Pro Se.

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PER CURIAM:

Kamil Hakeem Johnson, a federal prisoner, appeals the district court's orders dismissing his 28 U.S.C. § 2241 petition and denying reconsideration. We review the district court's ruling on Johnson's petition de novo, *see Farkas v. Butner*, 972 F.3d 548, 553 (4th Cir. 2020); *Lennear v. Wilson*, 937 F.3d 257, 267 (4th Cir. 2019), and its denial of reconsideration for abuse of discretion, *see Wicomico Nursing Home v. Padilla*, 910 F.3d 739, 750 (4th Cir. 2018). Finding no reversible error, we affirm.

In his petition, Johnson first sought to challenge disciplinary convictions that resulted in the loss of earned good time credits, arguing that the evidence presented during the disciplinary hearing was insufficient to support the findings of the discipline hearing officer (DHO). To comport with "the minimum requirements of procedural due process," a prison disciplinary decision leading to the loss of good time credits must be "supported by some evidence in the record." *Superintendent, Mass. Corr. Inst., Walpole v. Hill*, 472 U.S. 445, 454 (1985) (internal quotation marks omitted). This "exceedingly lenient standard . . . does not require examination of the entire record, independent assessment of the credibility of witnesses, or weighing of the evidence. Instead, the relevant question is whether there is any evidence in the record that could support the conclusion reached by the DHO." *Tyler v. Hooks*, 945 F.3d 159, 170 (4th Cir. 2019) (cleaned up). As the district court correctly determined, Johnson's challenged disciplinary convictions satisfy this standard.

Johnson's petition also sought to challenge his sentence* by way of the savings clause in 28 U.S.C. § 2255. 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). "In evaluating substantive claims under the savings clause, however, we look to the substantive law of the circuit where a defendant was convicted." *Hahn v. Moseley*, 931 F.3d 295, 301 (4th Cir. 2019). Because Johnson was convicted in the District of Minnesota, we assess the "settled law" of the Eighth Circuit and the Supreme Court. *See Marlowe v. Warden, FCI Hazelton*, 6 F.4th 562, 572 (4th Cir. 2021). We have reviewed the record and find no error in the

* Johnson has forfeited appellate review of the district court's ruling on his separate claim seeking to challenge his conviction by way of the savings clause. *See* 4th Cir. R. 34(b); *Jackson v. Lightsey*, 775 F.3d 170, 177 (4th Cir. 2014) ("The informal brief is an important document; under Fourth Circuit rules, our review is limited to issues preserved in that brief."). Insofar as Johnson attempts to raise new challenges to his sentence in his informal brief, those claims are not properly before us. *See In re Under Seal*, 749 F.3d 276, 285 (4th Cir. 2014) ("Our settled rule is simple: absent exceptional circumstances, we do not consider issues raised for the first time on appeal." (cleaned up)).

district court's conclusion that it lacked jurisdiction over Johnson's sentencing challenge, as he fails to satisfy the *Wheeler* test.

Accordingly, we affirm the district court's judgment. 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*