

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 22-6314

STEVEN LAMONTE STANLEY,

Petitioner - Appellant,

v.

MR. R. HUDGINS, Warden,

Respondent - Appellee.

Appeal from the United States District Court for the Northern District of West Virginia, at
Clarksburg. John Preston Bailey, District Judge. (1:19-cv-00152-JPB-JPM)

Submitted: October 21, 2022

Decided: October 27, 2022

Before WYNN and THACKER, Circuit Judges, and FLOYD, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Steven Lamonte Stanley, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Steven Lamonte Stanley, a federal prisoner, appeals the district court's order denying relief on 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 Stanley may not challenge the validity of his conviction and sentence through a § 2241 petition, as the conduct for which he was convicted remains criminal,¹ *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,² *United States v. Wheeler*, 886 F.3d 415, 429 (4th Cir. 2018). Accordingly, while we grant Stanley's motion to amend his informal brief, we affirm the district court's order. *Stanley v. Hudgins*, No. 1:19-cv-00152-JPB-JPM (N.D.W. Va. Feb. 22, 2022). 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

¹ See *United States v. Runyon*, 994 F.3d 192, 201 (4th Cir. 2021).

² See *Jones v. Zych*, 812 F. App'x 115, 124 (4th Cir. 2020) (No. 15-7399) (argued but unpublished); *United States v. Morris*, 429 F.3d 65, 72 (4th Cir. 2005).