

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 22-6412

DAVID ANTOINE LUSTER,

Petitioner - Appellant,

v.

WARDEN R. M. WOLFE,

Respondent - Appellee.

Appeal from the United States District Court for the Northern District of West Virginia, at
Clarksburg. John Preston Bailey, District Judge. (1:21-cv-00084-JPB)

Submitted: June 28, 2022

Decided: July 1, 2022

Before NIEMEYER and HEYTENS, Circuit Judges, and TRAXLER, Senior Circuit
Judge.

Affirmed by unpublished per curiam opinion.

David Antoine Luster, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

David Antoine Luster, a federal prisoner, appeals the district court's order accepting the magistrate judge's recommendation and denying relief on Luster's 28 U.S.C. § 2241 petition, in which he sought to challenge his convictions and sentence by way of the savings clause in 28 U.S.C. § 2255. 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 Luster 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 the district court's order. *Luster v. Wolfe*, No. 1:21-cv-00084-JPB (N.D.W. Va. Mar. 29, 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