

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 23-6344

CHRISTOPHER MCGEE,

Petitioner - Appellant,

v.

WARDEN C. MARUKA, Federal Correctional Institution McDowell,

Respondent - Appellee.

Appeal from the United States District Court for the Southern District of West Virginia, at Bluefield. David A. Faber, Senior District Judge. (1:20-cv-00360)

Submitted: August 29, 2023

Decided: September 1, 2023

Before KING, AGEE, and BENJAMIN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Christopher McGee, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Christopher McGee, a federal prisoner, appeals the district court's order accepting the magistrate judge's recommendation and dismissing McGee's 28 U.S.C. § 2241 petition in which he sought to challenge his 18 U.S.C. §§ 922(g)(1), 924(a)(2) convictions under *Rehaif v. United States*, 139 S. Ct. 2191 (2019), by way of the savings clause in 28 U.S.C. § 2255(e). The Supreme Court has squarely held "that § 2255(e)'s saving clause does not permit a prisoner asserting an intervening change in statutory interpretation to circumvent [the Antiterrorism and Effective Death Penalty Act of 1996]'s restrictions on second or successive § 2255 motions by filing a § 2241 petition." *Jones v. Hendrix*, 143 S. Ct. 1857, 1864 (2023). Like the petitioner in *Jones*, McGee may not challenge his §§ 922(g)(1), 924(a)(2) convictions based on *Rehaif* through a § 2241 petition by way of § 2255(e)'s savings clause. *See id.* Accordingly, we affirm the district court's judgment. *McGee v. Maruka*, No. 1:20-cv-00360 (S.D.W. Va. Mar. 20, 2023). 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