

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 23-7208

CHARLES DUNCAN PIPPINS,

Petitioner - Appellant,

v.

WARDEN RAY,

Respondent - Appellee.

Appeal from the United States District Court for the Northern District of West Virginia, at
Wheeling. John Preston Bailey, District Judge. (5:23-cv-00123-JPB-JPM)

Submitted: April 18, 2024

Decided: April 22, 2024

Before WILKINSON, NIEMEYER, and THACKER, Circuit Judges.

Affirmed in part and affirmed as modified in part by unpublished per curiam opinion.

Charles Duncan Pippins, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Charles Duncan Pippins, a federal prisoner, appeals the district court’s order dismissing his 28 U.S.C. § 2241 petition, as amended, in which Pippins sought to challenge his sentence by way of the savings clause in 28 U.S.C. § 2255(e) and raised separate claims challenging a prison disciplinary proceeding. We conclude that the district court correctly dismissed Pippins’ challenges to his sentence pursuant to *Jones v. Hendrix*, 599 U.S. 465, 471, 477-80 (2023), which precludes him from raising such claims in a § 2241 petition. But because the district court lacked jurisdiction to consider those claims, *see Rice v. Rivera*, 617 F.3d 802, 807-08 (4th Cir. 2010), we modify this portion of the court’s order to reflect that the dismissal is without prejudice and affirm as modified, *see* 28 U.S.C. § 2106; *Ali v. Hogan*, 26 F.4th 587, 600 (4th Cir. 2022) (recognizing that dismissal based on “defect in subject matter jurisdiction . . . must be one without prejudice” (internal quotation marks omitted)). Next, we conclude that Pippins has forfeited appellate review of the portion of the district court’s order dismissing his claims related to the prison disciplinary proceeding because he does not challenge that decision in his informal brief. *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.”). Accordingly, we affirm that portion of the court’s order. *Pippins v. Ray*, No. 5:23-cv-00123-JPB-JPM (N.D.W. Va. Nov. 21, 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 IN PART,
AFFIRMED AS MODIFIED IN PART*