

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-7017

BERNARD BARNETT,

Petitioner - Appellant,

versus

B. A. BLEDSOE,

Respondent - Appellee.

Appeal from the United States District Court for the Western District of Virginia, at Roanoke. Jackson L. Kiser, Senior District Judge; Michael F. Urbanski, Magistrate Judge. (CA-05-356)

Submitted: December 2, 2005

Decided: December 15, 2005

Before WILKINSON and MOTZ, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Bernard Barnett, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Bernard Barnett filed a petition under 28 U.S.C. § 2241 (2000), raising a claim under United States v. Booker, 125 S. Ct. 738 (2005). As the district court correctly concluded, Barnett does not meet the standard under In re Jones, 226 F.3d 328, 333-34 (4th Cir. 2000), so he is not entitled to proceed under § 2241.* Accordingly, we affirm the denial of relief. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED

*The district court also construed the petition as a motion under 28 U.S.C. § 2255 (2000), and dismissed it as successive. Because Barnett clearly intended his petition as one under § 2241, and because the district court did not have jurisdiction under § 2255 to consider the validity of Barnett's sentence on his convictions arising out of the Southern District of New York, we decline to consider this case under § 2255.