

**UNPUBLISHED**

**UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT**

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**No. 21-7630**

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LUKE D. PATTERSON,

Petitioner - Appellant,

v.

R. M. WOLFE, Warden,

Respondent - Appellee.

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Appeal from the United States District Court for the Northern District of West Virginia, at Martinsburg. Gina M. Groh, Chief District Judge. (3:21-cv-00075-GMG-RWT)

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Submitted: March 24, 2022

Decided: March 29, 2022

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Before MOTZ, WYNN, and RICHARDSON, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Luke D. Patterson, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Luke D. Patterson, 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 by way of the savings clause in 28 U.S.C. § 2255. Pursuant to § 2255(e), a prisoner may challenge his conviction in a traditional writ of habeas corpus pursuant to § 2241 if a § 2255 motion would be inadequate or ineffective to test the legality of his detention.

[Section] 2255 is inadequate and ineffective to test the legality of a conviction when: (1) at the time of conviction, settled law of this circuit or the Supreme Court established the legality of the conviction; (2) subsequent to the prisoner's direct appeal and first § 2255 motion, the substantive law changed such that the conduct of which the prisoner was convicted is deemed not to be criminal; and (3) the prisoner cannot satisfy the gatekeeping provisions of § 2255 because the new rule is not one of constitutional law.

*In re Jones*, 226 F.3d 328, 333-34 (4th Cir. 2000).

We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. *Patterson v. Wolfe*, No. 3:21-cv-00075-GMG-RWT (N.D.W. Va. Nov. 4, 2021). 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*

FILED: April 26, 2022

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O R D E R

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The court denies the petition for rehearing.

Entered at the direction of the panel: Judge Motz, Judge Wynn, and Judge Richardson.

For the Court

/s/ Patricia S. Connor, Clerk

ATTACHMENT 1

FILED

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U.S. DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

UNITED STATES OF AMERICA,

) INDICTMENT

Plaintiff,

)

v.

)

LUKE D. PATTERSON,

) CASE NO.

Defendant.

) Title 18, Section 922(g)(1),  
United States Code

5:14CR289

JUDGE GWIN

The Grand Jury charges:

On or about July 30, 2014, in the Northern District of Ohio, Eastern Division, LUKE D. PATTERSON, having been previously convicted of a crime punishable by imprisonment for a term exceeding one year, that being: Aggravated Robbery (two counts) and Aggravated Robbery with a Firearm Specification, in Case Number 01-CR-1, in the Trumbull County Common Pleas Court, on or about March 21, 2001, did knowingly possess in and affecting interstate commerce a firearm, to wit: a Smith & Wesson, Model SD40VE, .40 caliber pistol, serial number HEE1639, and ammunition, in violation of Title 18, Section 922(g)(1), United States Code.

A TRUE BILL.

Original document - Signatures on file with the Clerk of Courts, pursuant to the E-Government Act of 2002.