

UNPUBLISHEDUNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 22-6566

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MORGAN GREGORY ROBINSON, JR.,

Defendant - Appellant.

Appeal from the United States District Court for the Middle District of North Carolina, at Greensboro. Thomas D. Schroeder, Chief District Judge. (1:05-cr-00343-TDS-1; 1:05-cr-00344-TDS-1; 1:21-cv-00771-TDS-JEP)

Submitted: September 8, 2022

Decided: September 13, 2022

Before HARRIS and RICHARDSON, Circuit Judges, and TRAXLER, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Morgan Gregory Robinson, Jr., Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Morgan Gregory Robinson, Jr., appeals the district court's order accepting the recommendation of the magistrate judge and construing Robinson's Fed. R. Civ. P. 60(b) motion for relief from judgment as an unauthorized, successive 28 U.S.C. § 2255 motion and dismissing it on that basis.* Our review of the record confirms that the district court properly construed Robinson's Rule 60(b) motion as a successive § 2255 motion over which it lacked jurisdiction because Robinson failed to obtain prefiling authorization from this court. *See* 28 U.S.C. §§ 2244(b)(3)(A), 2255(h); *McRae*, 793 F.3d at 397-400. Accordingly, we affirm the district court's order.

Consistent with our decision in *United States v. Winestock*, 340 F.3d 200, 208 (4th Cir. 2003), we construe Robinson's notice of appeal and informal brief as an application to file a second or successive § 2255 motion. Upon review, we conclude that his claims do not meet the relevant standard. *See* 28 U.S.C. § 2255(h). We therefore deny authorization to file a successive § 2255 motion.

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

* A certificate of appealability is not required to appeal the district court's jurisdictional categorization of a Rule 60(b) motion as an unauthorized, successive § 2255 motion. *United States v. McRae*, 793 F.3d 392, 400 (4th Cir. 2015).