

UNPUBLISHEDUNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 26-6105

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

REGINALD LARUE SPIVEY, a/k/a Buddy,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at
Wilmington. James C. Dever III, District Judge. (7:03-cr-00023-D-1)

Submitted: July 16, 2026

Decided: July 21, 2026

Before WILKINSON, RICHARDSON, and QUATTLEBAUM, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Reginald Larue Spivey, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Reginald Larue Spivey seeks to appeal the district court's order construing his self-styled "Motion of Actual Innocent Claim" as a successive and unauthorized 28 U.S.C. § 2255 motion and dismissing the motion for failure to state a claim. The order is not appealable unless a circuit justice or judge issues a certificate of appealability. *See* 28 U.S.C. § 2253(c)(1)(B). A certificate of appealability will not issue absent "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). When the district court denies relief on the merits, a prisoner satisfies this standard by demonstrating that reasonable jurists could find the district court's assessment of the constitutional claims debatable or wrong. *See Buck v. Davis*, 580 U.S. 100, 115-17 (2017). When the district court denies relief on procedural grounds, the prisoner must demonstrate both that the dispositive procedural ruling is debatable and that the motion states a debatable claim of the denial of a constitutional right. *Gonzalez v. Thaler*, 565 U.S. 134, 140-41 (2012) (citing *Slack v. McDaniel*, 529 U.S. 473, 484 (2000)).

We have independently reviewed the record and conclude that Spivey has not made the requisite showing. Spivey's motion challenged the validity of one of his convictions and was properly construed as a successive § 2255 motion. *See Gonzalez v. Crosby*, 545 U.S. 524, 531-32 (2005); *United States v. Winestock*, 340 F.3d 200, 205 (4th Cir. 2003), *abrogated on other grounds by*, *United States v. McRae*, 793 F.3d 392 (4th Cir. 2015). Absent prefiling authorization from this court, the district court lacked jurisdiction to entertain the successive motion. *See* 28 U.S.C. § 2244(b)(3). Accordingly, we deny Spivey's motion for a certificate of appealability and dismiss the appeal. 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.

DISMISSED