

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 23-6423

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

CHARLES HENRY SMITH,

Defendant - Appellant.

Appeal from the United States District Court for the Middle District of North Carolina, at Greensboro. William L. Osteen, Jr., District Judge. (1:06-cr-00133-WO-1; 1:22-cv-00357-WO-JLW)

Submitted: March 28, 2024

Decided: April 1, 2024

Before KING and RUSHING, Circuit Judges, and MOTZ, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Charles Henry Smith, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Charles Henry Smith appeals the district court's order accepting in part the recommendation of the magistrate judge and denying relief on Smith's motion to correct, modify, or terminate supervised release. Our review of the record confirms that, to the extent that Smith sought to challenge the conditions of supervised release imposed in his criminal judgment and to assert ineffective assistance of counsel, the district court properly construed Smith's motion as an unauthorized, successive 28 U.S.C. § 2255 motion and dismissed it on that basis. *See* 28 U.S.C. §§ 2244(b)(3)(A), 2255(h). Accordingly, we affirm the district court's order.* *United States v. Smith*, Nos. 1:06-cr-00133-WO-1; 1:22-cv-00357-WO-JLW (M.D.N.C. Apr. 19, 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

* On appeal, we confine our review to the issues raised in the informal brief. *See* 4th Cir. R. 34(b). Smith's informal brief does not challenge the portion of the district court's order construing his motion as a request for termination or modification of supervised release pursuant to 18 U.S.C. §§ 3582, 3583, and denying that request. Therefore, he has forfeited appellate review of that portion of the district court's order. *See 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.").