

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 14-7854

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JOSIAH TIONDRA WATSON,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Norfolk. Rebecca Beach Smith, Chief District Judge. (2:10-cr-00200-RBS-DEM-2; 2:14-cv-00128-RBS)

Submitted: August 4, 2015

Decided: September 11, 2015

Before MOTZ and GREGORY, Circuit Judges, and DAVIS, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Josiah Tiondra Watson, Appellant Pro Se. Cameron Rountree, Special Assistant United States Attorney, Virginia Beach, Virginia; Elizabeth Marie Yusi, OFFICE OF THE UNITED STATES ATTORNEY, Norfolk, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Josiah Tiondra Watson appeals the district court's order denying his Fed. R. Civ. P. 60(b) motion for reconsideration of the district court's order denying relief on his 28 U.S.C. § 2255 (2012) motion. We have reviewed the record and conclude that Watson's motion was not a "true Rule 60(b)" motion, but in substance a successive § 2255 motion. See United States v. McRae, ___ F.3d ___, 2015 WL 4190665, at *5-*6 (4th Cir. July 13, 2015); see also Gonzalez v. Crosby, 545 U.S. 524, 531-32 (2005) (explaining how to differentiate a true Rule 60(b) motion from an unauthorized successive habeas corpus motion). Therefore, we conclude that Watson is not required to obtain a certificate of appealability to appeal the district court's order. See Mcrae, 2015 WL 4190665, at *5-*6. However, in the absence of prefiling authorization, the district court lacked jurisdiction to hear a successive § 2255 motion. See 28 U.S.C. § 2244(b)(3) (2012).

Accordingly, we deny Watson's motion for a certificate of appealability as moot and affirm the district court's order. 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 in the decisional process.

AFFIRMED