

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 15-6503

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

KEVIN LAMONT WALKER,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Newport News. Rebecca Beach Smith, Chief District Judge. (4:05-cr-00005-RBS-JEB-1)

Submitted: August 10, 2015

Decided: September 28, 2015

Before SHEDD, AGEE, and KEENAN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Kevin Lamont Walker, Appellant Pro Se. Eric Matthew Hurt, Assistant United States Attorney, Newport News, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Kevin Lamont Walker appeals the district court's marginal 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 Walker'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 Walker 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 Walker's motion to expedite the appeal 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