

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 16-6852**

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ADIB EDDIE RAMEZ MAKDESSI, a/k/a Eddie Makdessi,

Petitioner - Appellant,

v.

BRYAN WATSON, Warden of Wallens Ridge State Prison,

Respondent - Appellee.

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Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. M. Hannah Lauck, District Judge. (3:09-cv-00214-MHL)

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Submitted: October 25, 2016

Decided: November 3, 2016

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Before NIEMEYER, SHEDD, and THACKER, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Adib Eddie Ramez Makdessi, Appellant Pro Se. Leah A. Darron, OFFICE OF THE ATTORNEY GENERAL OF VIRGINIA, Richmond, Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Adib Eddie Ramez Makdessi appeals the district court's order dismissing his Fed. R. Civ. P. 60(b) motion as an unauthorized successive 28 U.S.C. § 2254 (2012) petition. We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. See Makdessi v. Watson, No. 3:09-cv-00214-MHL (E.D. Va. June 16, 2016). We deny Makdessi's motions for the appointment of counsel and transcripts at Government expense.

Consistent with United States v. Winestock, 340 F.3d 200, 208 (4th Cir. 2003), we construe Makdessi's notice of appeal and informal brief as an application, pursuant to 28 U.S.C. § 2244 (2012), to file a second or successive § 2254 petition. In order to obtain authorization to file a successive § 2254 petition, a prisoner must assert claims based on either: (1) a new, previously unavailable rule of constitutional law made retroactive by the Supreme Court to cases on collateral review; or (2) newly discovered evidence, not previously discoverable by due diligence, that would establish by clear and convincing evidence that, but for constitutional error, no reasonable factfinder would have found the petitioner guilty of the offense. 28 U.S.C. § 2244(b)(2). Makdessi's claims fail to satisfy either of these criteria. We therefore deny authorization to file a successive § 2254 petition.

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