

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 17-6288

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

RAYMON ANTHONY HIGGS,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Columbia. Cameron McGowan Currie, Senior District Judge. (3:04-cr-00867-CMC-1; 3:16-cv-02424-CMC)

Submitted: June 12, 2017

Decided: June 21, 2017

Before NIEMEYER, TRAXLER, and SHEDD, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Raymon Anthony Higgs, Appellant Pro Se. Leesa Washington, Assistant United States Attorney, Greenville, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Raymon Anthony Higgs seeks to appeal from the district court's order denying his 28 U.S.C. § 2255 (2012) motion. The district court's order is not appealable unless a circuit justice or judge issues a certificate of appealability. 28 U.S.C. § 2253(c)(1)(B) (2012). 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) (2012).

Higgs previously filed a § 2255 motion that was adjudicated on the merits. *See Higgs v. United States*, Nos. 3:04-cr-00867-CMC; 3:06-cv-01829-CMC (D.S.C. Mar. 15, 2007) (unpublished). Thus, Higgs' current § 2255 motion is successive. Higgs has not obtained authorization from this court, pursuant to 28 U.S.C. § 2244 (2012), to file a successive § 2255 motion. In the absence of prefiling authorization from this court, the district court lacked jurisdiction to consider the motion. *See* 28 U.S.C. § 2244(b)(3).

Accordingly, we deny 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