

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 18-6939**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

TIMOTHY L. MASSEY,

Defendant - Appellant.

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Appeal from the United States District Court for the Western District of North Carolina,  
at Charlotte. Max O. Cogburn, Jr., District Judge. (3:13-cr-00224-MOC-1; 3:16-cv-  
00244-MOC)

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Submitted: December 20, 2018

Decided: December 27, 2018

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Before DIAZ and RICHARDSON, Circuit Judges, and TRAXLER, Senior Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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Timothy L. Massey, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Timothy L. Massey appeals the district court's order construing his Fed. R. Civ. P. 60(b) motion as an unauthorized successive 28 U.S.C. § 2255 (2012) motion and dismissing for lack of jurisdiction. We have reviewed the record and find no reversible error. Accordingly, we deny as unnecessary a certificate of appealability ("COA") and affirm. *See United States v. McRae*, 793 F.3d 392, 400 (4th Cir. 2015) ("[W]e need not issue a COA before determining whether the district court erred in dismissing [a] purported Rule 60(b) motion as an unauthorized successive habeas 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*