

UNPUBLISHED

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

No. 18-7449

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JUAN BAUTISTA ALOMIA-TORRES, a/k/a Juan Baustista-Alomia, a/k/a Luis Antonio Torres, a/k/a Edward Martinez, a/k/a Luis Alfredo Martinez, a/k/a John the Jamaican, a/k/a John,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of North Carolina, at Charlotte. Frank D. Whitney, Chief District Judge. (3:97-cr-00040-FDW-2; 3:18-cv-00549-FDW; 3:01-cv-00301-FDW)

Submitted: April 25, 2019

Decided: April 29, 2019

Before FLOYD and QUATTLEBAUM, Circuit Judges, and TRAXLER, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Juan Bautista Alomia-Torres, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Juan Bautista Alomia-Torres appeals the district court's order construing his Fed. R. Civ. P. 60(b) motion as a successive and unauthorized 28 U.S.C. § 2255 (2012) motion and dismissing it without prejudice on that basis. We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. *United States v. Alomia-Torres*, Nos. 3:97-cr-00040-FDW-2; 3:18-cv-00549-FDW; 3:01-cv-00301-FDW (W.D.N.C. Nov. 8, 2018). We deny a certificate of appealability as unnecessary. *See United States v. McRae*, 793 F.3d 392, 398-400 (4th Cir. 2015); *cf. Harbison v. Bell*, 556 U.S. 180, 194 (2009). 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