

UNPUBLISHED

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

No. 19-6829

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

IJAZ KHAN,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Leonie M. Brinkema, District Judge. (1:16-cr-00130-LMB-1; 1:18-cv-01408-LMB)

Submitted: October 15, 2019

Decided: October 18, 2019

Before GREGORY, Chief Judge, and THACKER and RUSHING, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Ijaz Khan, Appellant Pro Se. Lauren Roscoe Snook, Special Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Alexandria, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Ijaz Khan appeals the district court's order construing his Fed. R. Civ. P. 60(b) motion for relief from judgment as an unauthorized successive 28 U.S.C. § 2255 (2012) motion and dismissing it for lack of jurisdiction. Our review of the record confirms that the district court properly construed Khan's Rule 60(b) motion as a successive § 2255 motion over which it lacked jurisdiction because Khan failed to obtain prefiling authorization from this court. *See* 28 U.S.C. §§ 2244(b)(3)(A), 2255(h) (2012); *United States v. McRae*, 793 F.3d 392, 397-400 (4th Cir. 2015). Accordingly, we affirm the district court's order.*

Consistent with our decision in *United States v. Winestock*, 340 F.3d 200, 208 (4th Cir. 2003), we construe Khan's notice of appeal and informal brief as an application to file a second or successive § 2255 motion. Upon review, we find that Khan's claims do not meet the relevant standard. *See* 28 U.S.C. § 2255(h). We therefore deny authorization to file a successive § 2255 motion.

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

* We deny as unnecessary a certificate of appealability. *McRae*, 793 F.3d at 400.