

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 19-6932

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

KEVIN LEON MORMON,

Defendant - Appellant.

Appeal from the United States District Court for the District of Maryland, at Greenbelt.
Paul W. Grimm, District Judge. (8:12-cr-00592-PWG-1; 8:16-cv-01146-PWG)

Submitted: November 19, 2019

Decided: November 22, 2019

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

Affirmed by unpublished per curiam opinion.

Kevin Leon Mormon, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Kevin Leon Mormon 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 denying it on that basis. Our review of the record confirms that the district court properly construed Mormon's Rule 60(b) motion as a successive § 2255 motion over which it lacked jurisdiction because Mormon 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 Mormon's notice of appeal and informal brief as an application to file a second or successive § 2255 motion. Upon review, we find that Mormon'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.