

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 19-7831**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

RICKY VINCENT PENDLETON,

Defendant - Appellant.

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**No. 20-6096**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

RICKY VINCENT PENDLETON,

Defendant - Appellant.

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Appeals from the United States District Court for the Northern District of West Virginia,  
at Martinsburg. John Preston Bailey, District Judge. (3:96-cr-00001-JPB-JPM-1; 3:19-cv-  
00170-JPB-JPM)

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Submitted: May 19, 2020

Decided: May 21, 2020

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Before NIEMEYER, HARRIS, and RICHARDSON, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Ricky Vincent Pendleton, Appellant Pro Se. Timothy David Helman, Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Martinsburg, West Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Ricky Pendleton appeals the district court's order construing his Fed. R. Civ. P. 60(b) motions for relief from judgment as unauthorized, successive 28 U.S.C. § 2255 (2018) motions and dismissing them on that basis.\* Our review of the record confirms that the district court properly construed Pendleton's Rule 60(b) motions as successive § 2255 motions over which it lacked jurisdiction because he failed to obtain prefiling authorization from this court. *See* 28 U.S.C. §§ 2244(b)(3)(A), 2255(h) (2018); *McRae*, 793 F.3d at 397-400. Accordingly, we affirm the district court's orders.

Consistent with our decision in *United States v. Winestock*, 340 F.3d 200, 208 (4th Cir. 2003), we construe Pendleton's notices of appeal and informal briefs as an application to file a second or successive § 2255 motion. Upon review, we conclude that Pendleton'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*

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\* A certificate of appealability is not required to appeal the district court's jurisdictional categorization of a Rule 60(b) motion as an unauthorized, successive § 2255 motion. *United States v. McRae*, 793 F.3d 392, 400 (4th Cir. 2015).