

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 20-7233

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ANTHOINE PLUNKETT,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of Virginia, at Danville. Glen E. Conrad, Senior District Judge. (4:04-cr-70083-GEC-PMS-2; 4:20-cv-81443-GEC-PMS)

Submitted: March 29, 2021

Decided: April 1, 2021

Before MOTZ and AGEE, Circuit Judges, and SHEDD, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Anthoine Plunkett, Appellant Pro Se. Jennifer R. Bockhorst, Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Abingdon, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Anthoine Plunkett appeals the district court's orders construing his Fed. R. Civ. P. 60(d) motion as an unauthorized, successive 28 U.S.C. § 2255 motion and dismissing it on that basis, denying his request for recusal, denying his motion for extension of time to file a Fed. R. Civ. P. 59(e) motion, and denying his motions for reconsideration pursuant to Fed. R. Civ. P. 59(e), 60(b). Our review of the record confirms that the district court properly construed Plunkett's Rule 60(d) motion as a successive § 2255 motion over which it lacked jurisdiction because Plunkett failed to obtain prefiling authorization from this court. *See* 28 U.S.C. §§ 2244(b)(3)(A), 2255(h); *McRae*, 793 F.3d at 397-400. Confining our review to the issues raised in the informal brief, *see* 4th Cir. R. 34(b), we conclude that Plunkett has forfeited appellate review of the remainder of the district court's orders. *See Jackson v. Lightsey*, 775 F.3d 170, 177 (4th Cir. 2014) ("The informal brief is an important document; under Fourth Circuit rules, our review is limited to issues preserved in that brief."); *Grayson O Co. v. Agadir Int'l LLC*, 856 F.3d 307, 316 (4th Cir. 2017) ("A party waives an argument by failing to present it in its opening brief or by failing to develop its argument—even if its brief takes a passing shot at the issue." (brackets and internal quotation marks omitted)). Accordingly, although we grant Plunkett's motion to supplement his appeal, we affirm the district court's orders.

Consistent with our decision in *United States v. Winestock*, 340 F.3d 200, 208 (4th Cir. 2003), *abrogated in part on other grounds by McRae*, 793 F.3d at 400 & n.7, we construe Plunkett's notice of appeal and informal brief as an application to file a second or successive § 2255 motion. Upon review, we conclude that Plunkett'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 on the claims raised in this appeal.

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