

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 21-6949

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MANOJ KUMAR JHA,

Defendant - Appellant.

Appeal from the United States District Court for the District of Maryland, at Baltimore.
Ellen L. Hollander, District Judge. (1:12-cr-00595-ELH-1, 1:16-cv-03449-ELH)

Submitted: November 23, 2021

Decided: November 30, 2021

Before NIEMEYER, FLOYD, and RUSHING, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Daniel Jay Wright, Rockville, Maryland, for Appellant.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Manoj Kumar Jha appeals the district court's order: (1) denying his motion for the recusal of the district court judge, and (2) construing his Fed. R. Civ. P. 60(b) motion for relief from judgment as an unauthorized, successive 28 U.S.C. § 2255 motion and denying it on that basis.* Our review of the record confirms that the district court properly construed Jha's Rule 60(b) motion as a successive § 2255 motion 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); *McRae*, 793 F.3d at 397-400. Moreover, we find no error by the district court in denying Jha's motion for recusal. 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 Jha's notice of appeal and informal brief as an application to file a second or successive § 2255 motion. Upon review, we conclude that Jha'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

* 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).