

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 21-7013

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

RAYMOND EDWARD GILL,

Defendant - Appellant.

Appeal from the United States District Court for the District of Maryland, at Baltimore.
Richard D. Bennett, Senior District Judge. (1:13-cr-00577-RDB-1; 1:18-cv-01303-RDB)

Submitted: November 23, 2021

Decided: November 30, 2021

Before NIEMEYER, FLOYD, and RUSHING, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Raymond Edward Gill, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Raymond Edward Gill seeks to appeal the district court's order denying his Fed. R. Civ. P. 60 motion for relief from the court's prior order denying relief on Gill's 28 U.S.C. § 2255 motion. In his Rule 60 motion, Gill asserted that the probation officer unlawfully relied on Gill's prior convictions to designate him a career offender. Because this motion sought to add a new ground for relief in his § 2255 proceeding that challenged Gill's sentence, the district court's order is not appealable unless a circuit justice or judge issues a certificate of appealability. *See* 28 U.S.C. § 2253(c)(1)(A); *see also Gonzalez v. Crosby*, 545 U.S. 524, 531-32 (2005); *United States v. McRae*, 793 F.3d 392, 397-99 (4th Cir. 2015).

A certificate of appealability will not issue absent "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). When the district court denies relief on the merits, a prisoner satisfies this standard by demonstrating that reasonable jurists could find the district court's assessment of the constitutional claims debatable or wrong. *See Buck v. Davis*, 137 S. Ct. 759, 773-74 (2017). When the district court denies relief on procedural grounds, the prisoner must demonstrate both that the dispositive procedural ruling is debatable and that the motion states a debatable claim of the denial of a constitutional right. *Gonzalez v. Thaler*, 565 U.S. 134, 140-41 (2012) (citing *Slack v. McDaniel*, 529 U.S. 473, 484 (2000)).

Absent prefiling authorization from this court, the district court lacked jurisdiction to entertain the reconsideration motion, which was, in actuality, a successive § 2255 motion. *See* 28 U.S.C. § 2244(b)(3). Accordingly, we deny a certificate of appealability

and dismiss Gill's appeal. To the extent Gill is seeking authorization to file a successive § 2255 motion, we deny such authorization. *See United States v. Winestock*, 340 F.3d 200, 208 (4th Cir. 2003). 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.

DISMISSED