

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 22-6178

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

KEVIN EARL ELROD,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at
Greenville. Louise W. Flanagan, District Judge. (4:18-cr-00034-FL-1; 4:20-cv-00156-FL)

Submitted: April 26, 2022

Decided: April 29, 2022

Before AGEE and THACKER, Circuit Judges, and FLOYD, Senior Circuit Judge.

Affirmed as modified by unpublished per curiam opinion.

Kevin Earl Elrod, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Kevin Earl Elrod appeals the district court's order denying his motion for appointment of counsel and construing his motion for appointment of counsel and motion to amend as unauthorized, successive 28 U.S.C. § 2255 motions and dismissing them on that basis. He also appeals the district court's order denying his motion for reconsideration. On appeal, we confine our review to the issues raised in the informal brief. *See* 4th Cir. R. 34(b). Because Elrod's informal brief and supplement do not challenge the basis for the district court's disposition, he has forfeited appellate review of the court's order. *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."). Accordingly, we affirm the district court's judgment. However, we modify the order, *United States v. Elrod*, No. 4:18-cr-00034-FL-1 (E.D.N.C. Feb. 1, 2022), to reflect that the motions are dismissed without prejudice for lack of jurisdiction, *Ali v. Hogan*, 26 F.4th 587, 600 (4th Cir. 2022) (explaining that "a dismissal for lack of standing—or any other defect in subject matter jurisdiction—must be one without prejudice" (cleaned up)). 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 AS MODIFIED