

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 23-6406

EUGENE PETER SCHULER,

Petitioner - Appellant,

v.

CHADWICK DOTSON, Director, VDOC,

Respondent - Appellee.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Leonie M. Brinkema, District Judge. (1:16-cv-01151-LMB-JFA)

Submitted: April 18, 2024

Decided: April 19, 2024

Before WILKINSON, NIEMEYER, and THACKER, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Eugene Peter Schuler, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Eugene Peter Schuler appeals the district court's order construing his motion for rehearing as an unauthorized, successive 28 U.S.C. § 2254 petition and dismissing it on that basis.* Our review of the record confirms that the district court properly construed Schuler's motion for rehearing as a successive § 2254 petition over which it lacked jurisdiction because he failed to obtain prefiling authorization from this court. *See* 28 U.S.C. § 2244(b)(3)(A). Accordingly, we affirm the district court's order.

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

* To the extent that Schuler seeks to appeal the district court's February 24, 2023, order construing Schuler's Fed. R. Civ. P. 60(b) motion as an unauthorized, successive § 2254 petition and dismissing it on that basis, Schuler's notice of appeal is untimely as to that order. *See* Fed. R. App. P. 4(a)(1).