

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 00-6491**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

PATRICK EARL FRANCIS,

Defendant - Appellant.

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Appeal from the United States District Court for the Western District of Virginia, at Roanoke. Jackson L. Kiser, Senior District Judge. (CR-94-106, CA-99-420-7)

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Submitted: December 29, 2000

Decided: January 8, 2001

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Before WIDENER, MICHAEL, and TRAXLER, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Patrick Earl Francis, Appellant Pro Se. Ray B. Fitzgerald, Jr., OFFICE OF THE UNITED STATES ATTORNEY, Charlottesville, Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Patrick Earl Francis appeals the denial of his 28 U.S.C.A. § 2255 (West Supp. 2000) and Fed. R. Civ. P. 60(b) motions. Because Francis' Rule 60(b) motion was tantamount to a successive § 2255 application, we conclude the district court lacked jurisdiction to consider it absent authorization from this Court. 28 U.S.C.A. § 2244(b) (West Supp. 2000); United States v. Rich, 141 F.3d 550, 551 (5th Cir. 1998), cert. denied, 526 U.S. 1011 (1999). Accordingly, we deny a certificate of appealability and dismiss the claims raised solely in that motion.

As to claims raised in the original § 2255 motion and supplements submitted prior to the district court's dismissal of the original motion, we find no reversible error. Therefore, we deny a certificate of appealability and dismiss those claims on the reasoning of the district court. United States v. Francis, Nos. CR-94-106; CA-99-420-7 (W.D. Va. Feb. 18, 2000). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED