

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 01-6052

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

NICHOLAS J. QUEEN, SR.,

Defendant - Appellant.

Appeal from the United States District Court for the District of
Maryland, at Baltimore. William M. Nickerson, District Judge.
(CR-93-366)

Submitted: February 13, 2001

Decided: March 8, 2001

Before MICHAEL, MOTZ, and TRAXLER, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Nicholas J. Queen, Sr., Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Nicholas James Queen appeals the district court's order denying Queen's Fed. R. Civ. P. 60(b)(6) motion, in which Queen claimed that the district court lacked jurisdiction to try him in 1994 for bank robbery and related crimes. The record reveals that Queen's convictions were upheld on appeal, a 28 U.S.C.A. § 2255 (West 1994 & Supp. 2000) motion was denied on the merits, and this court denied Queen's two attempts to obtain authorization to file a successive § 2255 motion. Queen's Rule 60(b) motion, which attacks his convictions, is properly construed as a § 2255 motion. Thompson v. Calderon, 151 F.3d 918, 921 (9th Cir. 1998). Because this court has not authorized Queen's filing of a successive § 2255 motion, the district court properly denied Queen's Rule 60(b)(6) motion. United States v. Rich, 141 F.3d 550, 551-53 (5th Cir. 1998).

We therefore dismiss the appeal. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before us and argument would not aid the decisional process.

DISMISSED