

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

**No. 01-7305**

---

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

ELRAY ROGERS, a/k/a Elray Rodgers,

Defendant - Appellant.

---

Appeal from the United States District Court for the Eastern District of Virginia, at Norfolk. Raymond A. Jackson, District Judge. (CR-95-115, CA-98-633-2)

---

Submitted: December 20, 2001

Decided: January 2, 2002

---

Before LUTTIG, TRAXLER, and GREGORY, Circuit Judges.

---

Dismissed by unpublished per curiam opinion.

---

Elray Rogers, Appellant Pro Se.

---

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Elray Rogers seeks to appeal the district court's order denying his motion filed under 18 U.S.C. § 3742 (1994), that the district court properly construed as a motion filed under 28 U.S.C.A. § 2255 (West Supp. 2001). Because Rogers failed to obtain authorization from this court to file a successive § 2255 motion, the district court lacked jurisdiction to consider the motion. 28 U.S.C.A. § 2244 (West 1994 & Supp. 2001). Accordingly, we deny a certificate of appealability and dismiss the appeal. United States v. Rogers, Nos. CR-95-115; CA-98-633-2 (E.D. Va. filed June 25, 2001; entered June 26, 2001). 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