

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 02-6834

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

JOHN LEE COBBS,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Norfolk. Robert E. Payne, District Judge. (CR-95-193)

Submitted: September 23, 2002

Decided: October 8, 2002

Before WILKINS, MOTZ, and TRAXLER, Circuit Judges.

Dismissed by unpublished per curiam opinion.

John Lee Cobbs, Appellant Pro Se. Laura P. Tayman, OFFICE OF THE UNITED STATES ATTORNEY, Norfolk, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

John Lee Cobbs appeals the district court's order dismissing without prejudice his motion filed pursuant to 18 U.S.C. § 3742(a)(1) (2000). The district court properly construed this action as a successive motion under 28 U.S.C. § 2255 (2000), and dismissed the motion because Cobbs did not obtain authorization from this court. See 28 U.S.C. § 2244(b)(3)(A) (2000). We have reviewed the record and find no reversible error. Accordingly, we deny leave to proceed in forma pauperis on appeal and dismiss on the reasoning of the district court. See United States v. Cobbs, No. CR-95-193 (E.D. Va. June 24, 2002). 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