

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 02-7622

EPHRAIN RELIFORD, JR.,

Petitioner - Appellant,

versus

MICHAEL MOORE, Director; CHARLES M. CONDON,

Respondents - Appellees.

Appeal from the United States District Court for the District of South Carolina, at Columbia. Joseph F. Anderson, Jr., Chief District Judge. (CA-98-142-3-17BC)

Submitted: February 6, 2003

Decided: February 14, 2003

Before WILKINS, MICHAEL, and SHEDD, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Ephrain Reliford, Jr., Appellant Pro Se. Donald John Zelenka, Chief Deputy Attorney General, Columbia, South Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Ehrain Reliford, Jr., appeals the district court's order denying his Fed. R. Civ. P. 60(b) motion to reconsider its order denying relief on his petition filed under 28 U.S.C. § 2254 (2000).^{*} We review the denial of a Rule 60(b) motion for abuse of discretion. NOW v. Operation Rescue, 47 F.3d 667, 669 (4th Cir. 1995). Because Reliford's motion stated no viable ground for relief under the rule, we find no abuse of discretion. Accordingly, we affirm the order of the district court. 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.

AFFIRMED

^{*} We note that we lack jurisdiction to review the underlying order denying Reliford's § 2255 motion because Reliford did not appeal the order within sixty days of its entry, see Fed. R. App. P. 4(a)(1)(B); Panhorst v. United States, 241 F.3d 367, 370 (4th Cir. 2001), and Reliford's 60(b) motion did not toll the time for filing an appeal. See Browder v. Director, Illinois Dep't of Corr., 434 U.S. 257, 263 n.7 (1978).