

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 14-7658

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ABDULLAH RASOOL SHAKOOR, a/k/a Lee McDonald,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Wilmington. Terrence W. Boyle, District Judge. (7:97-cr-00064-BO-1; 7:14-cv-00130-BO)

Submitted: August 4, 2015

Decided: August 20, 2015

Before WILKINSON and SHEDD, Circuit Judges, and DAVIS, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Abdullah Rasool Shakoor, Appellant Pro Se. Jennifer P. May-Parker, Assistant United States Attorney, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Abdullah Rasool Shakoor appeals the district court's order denying his Fed. R. Civ. P. 60(b)(4) motion, which sought vacatur of the court's April 23, 2008 order construing his March 2007 letter as a successive 28 U.S.C. § 2255 (2012) motion. Although we typically review the denial of a Rule 60(b) motion for abuse of discretion, MLC Auto., LLC v. Town of S. Pines, 532 F.3d 269, 277 (4th Cir. 2008), where a motion seeks vacatur under Rule 60(b)(4), our review is de novo. Carter v. Fenner, 136 F.3d 1000, 1005 (5th Cir. 1998); see Compton v. Alton S.S. Co., Inc., 608 F.2d 96, 107 (4th Cir. 1979) (stating that motions "under [Rule] 60(b) on any ground other than that the judgment is void" are reviewed for abuse of discretion). In ruling on an appeal from the denial of a Rule 60(b) motion, we may not review the merits of the underlying order, but instead "may only review the denial of the motion with respect to the grounds set forth in Rule 60(b)." MLC Auto., LLC, 532 F.3d at 277 (internal quotation marks omitted).

Having reviewed the record, we conclude that the district court did not reversibly err in denying the Rule 60(b)(4) motion because none of the criteria for granting the motion was met in this case. See Wendt v. Leonard, 431 F.3d 410, 412-13 (4th Cir. 2005). Accordingly, we affirm the district court's order. United States v. Shakoor, No. 7:97-cr-00064-BO-1 (E.D.N.C.

Oct. 24, 2014). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED