

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 15-6384

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

WILLIAM HAZEL,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Norfolk. Robert E. Payne, Senior District Judge. (2:92-cr-00163-1; 2:14-cv-00113-REP)

Submitted: September 17, 2015

Decided: October 1, 2015

Before WILKINSON, KING, and FLOYD, Circuit Judges.

Affirmed by unpublished per curiam opinion.

William Hazel, Appellant Pro Se. Andrew Curtis Bosse, Assistant United States Attorney, Norfolk, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

William Hazel appeals the district court's order dismissing his Fed. R. Civ. P. 60(b) motion for reconsideration of the district court's order denying relief on his 28 U.S.C. § 2255 (2012) motion. We have reviewed the record and conclude that Hazel's motion was not a "true Rule 60(b)" motion, but in substance a successive § 2255 motion. See United States v. McRae, 793 F.3d 392, 399-400 (4th Cir. 2015); see also Gonzalez v. Crosby, 545 U.S. 524, 531-32 (2005) (explaining how to differentiate a true Rule 60(b) motion from an unauthorized successive habeas corpus motion). Therefore, we conclude that Hazel is not required to obtain a certificate of appealability to appeal the district court's order. See McRae, 793 F.3d at 400. However, in the absence of prefiling authorization, the district court lacked jurisdiction to hear Hazel's successive § 2255 motion. See 28 U.S.C. § 2244(b)(3) (2012). Accordingly, we affirm the district court's order. 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