UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 15-7571

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

BRIAN S. GRIMMOND,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of Virginia, at Charlottesville. Glen E. Conrad, Chief District Judge. (3:93-cr-70058-GEC-2; 3:15-cv-80851-GEC-RSB)

Submitted: July 18, 2016 Decided: July 28, 2016

Before AGEE, THACKER, and HARRIS, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Andrea Lantz Harris, Assistant Federal Public Defender, Charlottesville, Virginia, for Appellant. Ronald Andrew Bassford, Assistant United States Attorney, Roanoke, Virginia; Jean Barrett Hudson, Assistant United States Attorney, Charlottesville, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Brian S. Grimmond seeks to appeal the district court's order treating his Fed. R. Civ. P. 15 motion to amend as a successive 28 U.S.C. § 2255 (2012) motion and dismissing it on that basis. On appeal, we confine our review to the issues raised in the Appellant's brief. See 4th Cir. R. 34(b); Jackson v. Lightsey, 775 F.3d 170, 177 (4th Cir. 2014) (noting importance of Rule 34(b)). Because Grimmond's informal brief does not challenge the basis of the district court's disposition, Grimmond has forfeited appellate review of the district court's order. See Williams v. Giant Food Inc., 370 F.3d 423, 430 n.4 (4th Cir. 2004). Accordingly, we deny a certificate of appealability and dismiss the appeal.

In his informal brief, Grimmond requests that we construe his notice of appeal and informal brief as an application to file a second or successive § 2255 motion. See United States v. Winestock, 340 F.3d 200, 208 (4th Cir. 2003). Because we previously granted Grimmond authorization to file a successive § 2255 motion, we conclude that it is unnecessary to construe Grimmond's notice of appeal and informal brief as an application for authorization. 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.

DISMISSED