

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

**No. 00-7635**

---

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

SAVINO BRAXTON,

Defendant - Appellant.

---

Appeal from the United States District Court for the District of Maryland, at Baltimore. J. Frederick Motz, Chief District Judge; Frank A. Kaufman, Senior District Judge. (CR-90-135-K)

---

Submitted: January 11, 2001

Decided: January 24, 2001

---

Before NIEMEYER, WILLIAMS, and KING, Circuit Judges.

---

Affirmed by unpublished per curiam opinion.

---

Savino Braxton, Appellant Pro Se. James G. Warwick, OFFICE OF THE UNITED STATES ATTORNEY, Baltimore, Maryland, for Appellee.

---

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Savino Braxton appeals the district court's order denying his motion to amend his motion for habeas corpus relief under 28 U.S.C.A. § 2255 (West Supp. 2000). We have reviewed the record and the district court's opinion and find no abuse of discretion. Moreover, Braxton's motion to amend is tantamount to a successive § 2255 motion, for which Braxton must obtain authorization from this court to file. See United States v. Rich, 141 F.3d 550, 551-53 (5th Cir. 1998) (holding that motion filed under Fed. R. Civ. P. 60(b), properly construed as successive § 2255 motion), cert. denied, 526 U.S. 1011 (1999). Accordingly, we affirm on the reasoning of the district court. United States v. Braxton, No. CR-90-135-K (D. Md. Oct. 30, 2000). 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