

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 20-7848**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JOSEPH THOMAS SMITH, a/k/a Joseph Smith,

Defendant - Appellant.

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Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. Henry E. Hudson, Senior District Judge. (3:10-cr-00199-HEH-1; 3:20-cv-00836-HEH)

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Submitted: July 20, 2021

Decided: July 22, 2021

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Before WILKINSON, AGEE, and DIAZ, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Joseph Thomas Smith, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Joseph Thomas Smith appeals the district court's order construing his "Motion for Administrative Review" as an unauthorized, successive 28 U.S.C. § 2255 motion and dismissing it for lack of jurisdiction. Our review of the record confirms that the district court properly construed Smith's filing as a successive § 2255 motion over which it lacked jurisdiction because Smith failed to obtain prefiling authorization from this court. *See* 28 U.S.C. §§ 2244(b)(3)(A), 2255(h); *United States v. McRae*, 793 F.3d 392, 400 (4th Cir. 2015). Accordingly, we grant Smith's motion to seal his informal brief and affirm the district court's order.

Consistent with our decision in *United States v. Winestock*, 340 F.3d 200, 208 (4th Cir. 2003), we construe Smith's notice of appeal and informal brief as an application to file a second or successive § 2255 motion. Upon review, we conclude that Smith's claims do not meet the relevant standard. *See* 28 U.S.C. § 2255(h). We therefore deny authorization to file a successive § 2255 motion. 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*