

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 23-6227**

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YO,

Petitioner - Appellant,

v.

ALISON LAND, Commissioner,

Respondent - Appellee.

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Appeal from the United States District Court for the Eastern District of Virginia, at  
Richmond. M. Hannah Lauck, District Judge. (3:20-cv-00453-MHL-MRC)

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Submitted: November 28, 2023

Decided: February 21, 2024

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Before QUATTLEBAUM and BENJAMIN, Circuit Judges, and FLOYD, Senior Circuit  
Judge.

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Affirmed by unpublished per curiam opinion.

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Yo, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Yo appeals the district court's order construing his Fed. R. Civ. P. 60(b) motion for relief from judgment as an unauthorized, successive 28 U.S.C. § 2254 petition and dismissing it on that basis.\* Our review of the record confirms that the district court properly construed Yo's Rule 60(b) motion as a successive § 2254 petition over which it lacked jurisdiction because he failed to obtain prefiling authorization from this court. *See* 28 U.S.C. § 2244(b)(3)(A); *McRae*, 793 F.3d at 397-400. Accordingly, we affirm the district court's order.

Consistent with our decision in *United States v. Winestock*, 340 F.3d 200, 208 (4th Cir. 2003), *abrogated in part on other grounds by McRae*, 793 F.3d at 400 & n.7, we construe Yo's notice of appeal and informal brief as an application to file a second or successive § 2254 petition. Upon review, we conclude that Yo's claims do not meet the relevant standard. *See* 28 U.S.C. § 2244(b)(2). We therefore deny authorization to file a successive § 2254 petition.

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*

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\* A certificate of appealability is not required to appeal the district court's jurisdictional categorization of a Rule 60(b) motion as an unauthorized, successive habeas petition. *United States v. McRae*, 793 F.3d 392, 400 (4th Cir. 2015).