

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 23-6672

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

RAYMOND IDEMUDIA AIGBEKAEN,

Defendant - Appellant.

Appeal from the United States District Court for the District of Maryland, at Baltimore.
James K. Bredar, Chief District Judge. (1:15-cr-00462-JKB-2; 1:21-cv-01259-JKB)

Submitted: January 18, 2024

Decided: February 16, 2024

Before WYNN and RICHARDSON, Circuit Judges, and MOTZ, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Raymond Idemudia Aigbekaen, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Raymond Idemudia Aigbekaen 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. § 2255 motion and dismissing it for lack of jurisdiction.* Our review of the record confirms that the district court properly construed Aigbekaen's Rule 60(b) motion as a successive § 2255 motion over which it lacked jurisdiction because he failed to obtain prefiling authorization from this court. *See* 28 U.S.C. §§ 2244(b)(3)(A), 2255(h); *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), we construe Aigbekaen's notice of appeal and informal brief as an application to file a second or successive § 2255 motion. Upon review, we conclude that Aigbekaen'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.

Finally, Aigbekaen appeals the denial of his motion to recuse the district judge. We discern no reversible error, and we therefore affirm the court's decision. *United States v. Aigbekaen*, No. 1:15-cr-00462-JKB-2 (D. Md. May 25, 2023).

* 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 § 2255 motion. *United States v. McRae*, 793 F.3d 392, 400 (4th Cir. 2015).

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