

FILED: March 4, 2019

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 18-7287
(1:11-cr-00302-CCB-3)

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

DAREN KAREEM GADSDEN, a/k/a D

Defendant - Appellant

O R D E R

The court denies the petition for rehearing and rehearing en banc. No judge requested a poll under Fed. R. App. P. 35 on the petition for rehearing en banc.

Entered at the direction of the panel: Judge Wilkinson, Judge Duncan, and Senior Judge Hamilton.

For the Court

/s/ Patricia S. Connor, Clerk

Appendix C

UNPUBLISHED

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

No. 18-7287

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DAREN KAREEM GADSDEN, a/k/a D,

Defendant - Appellant.

Appeal from the United States District Court for the District of Maryland, at Baltimore.
Catherine C. Blake, District Judge. (1:11-cr-00302-CCB-3)

Submitted: January 17, 2019

Decided: January 23, 2019

Before WILKINSON and DUNCAN, Circuit Judges, and HAMILTON, Senior Circuit
Judge.

Affirmed by unpublished per curiam opinion.

Daren Kareem Gadsden, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Daren Kareem Gadsden appeals the district court's order dismissing without prejudice his 28 U.S.C. § 2255 (2012) motion as successive and unauthorized, as well as its order summarily denying his self-styled motions to correct sentencing errors and for justice. On appeal, we confine our review to the issues raised in the Appellant's brief. *See* 4th Cir. R. 34(b). Because Gadsden's informal brief does not challenge the district court's holding that his § 2255 motion was successive and unauthorized, Gadsden has forfeited appellate review of the court's order dismissing the motion. *See Williams v. Giant Food Inc.*, 370 F.3d 423, 430 n.4 (4th Cir. 2004). We thus affirm the court's order dismissing Gadsden's § 2255 motion. *See United States v. Gadsden*, No. 1:11-cr-00302-CCB-3 (D. Md. Oct. 4, 2018).

As to the order denying Gadsden's secondary motions, the record establishes that these likewise were successive and unauthorized habeas motions, which the district court should have dismissed for lack of jurisdiction. We may, however, affirm the court's order "on any grounds apparent from the record[.]" *United States v. Riley*, 856 F.3d 326, 328 (4th Cir.) (internal quotation marks omitted), *cert. denied*, 138 S. Ct. 273 (2017), and this disposition is eminently supported by the record. Accordingly, we affirm the district court's secondary order, as well. *See Gadsden*, No. 1:11-cr-00302-CCB-3 (D. Md. filed Oct. 4, 2018 & entered Oct. 5, 2018). We deny Gadsden's motion for a transcript at government expense. 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

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA :

v. :

Criminal No. CCB-11-302

DAREN KAREEM GADSDEN :

ORDER

Having reviewed the record, it is hereby Ordered that:

1. the motion to correct sentencing errors (ECF No. 455) is **Denied**; and
6. the motion for justice (ECF No. 458) is **Denied**.

10/4/18
Date

CCB
Catherine C. Blake
United States District Judge