

APPENDIX (A)

DECISION OF U.S.C.A. for the Fourth Circuit

FILED: March 3, 2026

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 25-6743
(6:96-cr-00212-CCE-1)
(1:25-cv-00275-CCE-JEP)

APPENDIX (A)

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

RAOUL LAFOND, a/k/a Fletcher Busbee, a/k/a Chris Lafond, a/k/a Jim, a/k/a
Jamaican Jim, a/k/a Derrick Burch, a/k/a Ronald Elie, a/k/a Ronald Ely

Defendant - Appellant

J U D G M E N T

In accordance with the decision of this court, the judgment of the district
court is affirmed.

This judgment shall take effect upon issuance of this court's mandate in
accordance with Fed. R. App. P. 41.

/s/ NWAMAKA ANOWI, CLERK

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 25-6743

APPENDIX (A)

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

RAOUL LAFOND, a/k/a Fletcher Busbee, a/k/a Chris Lafond, a/k/a Jim, a/k/a
Jamaican Jim, a/k/a Derrick Burch, a/k/a Ronald Elie, a/k/a Ronald Ely,

Defendant - Appellant.

Appeal from the United States District Court for the Middle District of North Carolina, at
Greensboro. Catherine C. Eagles, Chief District Judge. (6:96-cr-00212-CCE-1; 1:25-cv-
00275-CCE-JEP)

Submitted: February 26, 2026

Decided: March 3, 2026

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

Affirmed by unpublished per curiam opinion.

Raoul Lafond, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Raoul Lafond appeals the district court's order accepting the recommendation of the magistrate judge and construing Lafond's Fed. R. Civ. P. 60(b) motion for relief from judgment as an unauthorized, successive 28 U.S.C. § 2255 motion and dismissing it on that basis.* Our review of the record confirms that the district court properly construed Lafond's Rule 60(b) motion as a successive § 2255 motion over which it lacked jurisdiction because Lafond 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 Lafond's notice of appeal and informal brief as an application to file a second or successive § 2255 motion. Upon review, we conclude that his 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

* 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).

APPENDIX (B)

DECISION OF U.S.M.D.C. of NORTH CAROLINA

APPENDIX (B)

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

RAOUL LAFOND,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

1:25-CV-275

6:96-CR-212-1

ORDER AND JUDGMENT

The Recommendation of the United States Magistrate Judge was filed in accordance with 28 U.S.C. § 636(b) and the Clerk served the recommendation on the petitioner. The petitioner filed objections to the recommendation. Doc. 581. Nothing in the petitioner's objections undermines the analysis of the Magistrate Judge. After de novo review, the Court hereby adopts the Magistrate Judge's Recommendation.

If the petitioner continues to be dissatisfied with this Court's resolution of his motions, the remedy is an effort to obtain a certificate of appealability from the Fourth Circuit or permission to file a successive motion. He should not file another successive § 2255 motion in this court, however he characterizes it, without appellate permission.

IT IS THEREFORE ORDERED AND ADJUDGED that:

1. The petitioner's Rule 60(b) motion, Doc. 571, is construed as an attempt by the petitioner to file a second or successive § 2255 action.
2. This action is dismissed *sua sponte* without prejudice to the petitioner seeking certification for a second or successive § 2255 motion from the Court of

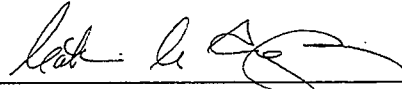
APPENDIX (B)

Appeals as required by 28 U.S.C. §§ 2255 and 2244 and Fourth Circuit Local

Rule 22(d).

3. A certificate of appealability shall not issue.

This the 11th day of August, 2025.



UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

RAOUL LAFOND,	)	
	)	
Petitioner,	)	
	)	1:25CV275
v.	)	6:96CR212-1
	)	
UNITED STATES OF AMERICA,	)	
	)	
Respondent.	)	

RECOMMENDATION AND ORDER
OF UNITED STATES MAGISTRATE JUDGE

Petitioner, a federal prisoner, has submitted what he titled as a Motion [Doc. #571] pursuant to Fed. R. Civ. P. 60(b)(6) attempting to reopen his prior Motion to vacate, set aside, or correct sentence under 28 U.S.C. § 2255. He also included a Letter requesting that the Clerk of Court not docket the filing as anything else, particularly a motion under § 2255, until after the undersigned reviews the matter to determine whether or not it is such a motion. The reasons for this request are not clear, but to the extent that Petitioner may believe that the initially docketing decision of the Clerk determines the nature of a document filed, it does not. The undersigned independently reviews the filings as part of the Court's screening review. Having now reviewed Petitioner's current filing, the Court concludes that the Motion attacks Petitioner's conviction or sentence rather than seeking to remedy a defect in the collateral review process or other non-merit aspect of a ruling on collateral review. The Motion for reconsideration therefore must be construed as a motion

to vacate sentence under § 2255. See Gonzalez v. Crosby, 545 U.S. 524 (2005); United States v. McRae, 793 F.3d 392 (4th Cir. 2015); United States v. Winestock, 340 F.3d 200 (4th Cir. 2003). As such, Petitioner's pleading is defective because he failed to file his claims on the proper § 2255 forms. See Rules Governing Section 2255 Proceedings Rule 2(b).

Moreover, Court records reveal that Petitioner already challenged this conviction in a previous § 2255 action (Case No. 1:01CV167). Therefore, the present pleading should be dismissed for lack of jurisdiction because of Petitioner's failure to obtain permission from the Fourth Circuit for a second or successive § 2255 action, as is required by 28 U.S.C. § 2244 and 28 U.S.C. § 2255. See Winestock, 340 F.3d at 200.

The Court also notes that Petitioner attempts to raise an argument concerning the signatures on his Indictment. He has raised the same or similar arguments multiple times in the past fourteen years. (See Motions [Doc. #378, 455, 467, 479, 528].) Those attempts have consistently been treated as successive filings under § 2255. It is not clear why Petitioner continues to make repetitive filings while expecting a different result, but the fact remains that the arguments he seeks to raise are arguments appropriately brought under § 2255, not Rule 60(b)(6), and Petitioner cannot proceed under § 2255 unless he receives proper authorization before filing in this Court.

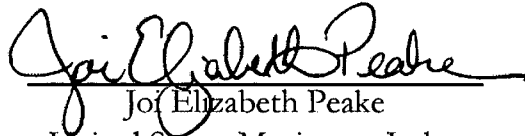
IT IS THEREFORE ORDERED that the Clerk send Petitioner a copy of this Recommendation, instruction forms for filing § 2255 actions in this Court and Motions for Authorization in the Court of Appeals, and four copies of § 2255 forms (more copies will be sent on request). Petitioner should keep the original and two copies of the completed

§ 2255 forms which can be submitted in this Court if Petitioner obtains approval from the Fourth Circuit.

IT IS THEREFORE RECOMMENDED that Petitioner's "Rule 60(b)(6)" motion be construed as an attempt by Petitioner to file a second or successive § 2255 action.

IT IS FURTHER RECOMMENDED that this action be dismissed due to Petitioner's failure to obtain certification from the Fourth Circuit as required by 28 U.S.C. §§ 2244 and 2255 and Fourth Circuit Local Rule 22(d).

This, the 30th day of June, 2025.


Jo Elizabeth Peake
United States Magistrate Judge

**Additional material
from this filing is
available in the
Clerk's Office.**