

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 05-2700

United States of America,

Appellee,

v.

Darius M. Moss,

Appellant.

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* Appeal from the United States
* District Court for the
* District of Nebraska.
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* [UNPUBLISHED]
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Submitted: March 21, 2006

Filed: April 6, 2006

Before RILEY, MAGILL, and GRUENDER, Circuit Judges.

PER CURIAM.

Darius Moss appeals the district court's¹ denial of his Federal Rule of Civil Procedure 60(b) motion challenging a 1999 order denying his 28 U.S.C. § 2255 motion; he also appeals the denial of his Federal Rule of Civil Procedure 59(e) motion. Moss's motion was in reality a successive section 2255 motion. Cf. Gonzalez v. Crosby, 125 S. Ct. 2641, 2647-48 (2005) (Rule 60(b) motion should not be treated as successive habeas motion if it attacks district court's previous resolution of claim on procedural grounds); United States v. Patton, 309 F.3d 1093, 1094 (8th

¹The Honorable Laurie Smith Camp, United States District Judge for the District of Nebraska.

Cir. 2002) (per curiam) (inmates may not bypass authorization requirement of § 2255 by purporting to invoke some other procedure). Thus, we deny a certificate of appealability (COA), see United States v. Lambros, 404 F.3d 1034, 1036 (8th Cir.) (per curiam) (COA is required to appeal denial of any motion that ultimately seeks habeas relief), cert. denied, 125 S. Ct. 2953 (2005), and dismiss this appeal.
