

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

November 21, 2011

Lyle W. Cayce
Clerk

No. 11-40034
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

LEONDRUS MCBRIDE, JR.,

Defendant-Appellant

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 1:99-CV-529
USDC No. 1:96-CR-101-1

Before GARZA, SOUTHWICK, and HAYNES, Circuit Judges.

PER CURIAM:*

Leondrus McBride, Jr., federal prisoner # 04496-078, requests a certificate of appealability (COA) to appeal the denial of two motions, filed pursuant to Federal Rule of Civil Procedure 60(b), in which he sought to vacate a judgment denying 28 U.S.C. § 2255 relief. A COA is required because the denial of Rule 60(b) relief was “the final order in a proceeding under section 2255.” 28 U.S.C.

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

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§ 2253(c)(1)(B); *see Ochoa Canales v. Quarterman*, 507 F.3d 884, 888 (5th Cir. 2007).

McBride argues that reasonable jurists could debate the denial of his Rule 60(b) motions because in the initial § 2255 proceeding the district court did not address a claim that his trial attorney was ineffective for failing to challenge an allegedly invalid warrant and it failed to rule on two motions for production of grand jury transcripts. The district court denied the motions as unauthorized successive § 2255 motions. We agree that the motions were unauthorized successive petitions such that the district court lacked jurisdiction to consider them. We dismiss his appeal for lack of jurisdiction. *United States v. Key*, 205 F.3d 773 (5th Cir. 2000).

McBride also moves to vacate the district court's denial of § 2255 relief on the ground that the judgment lacks finality because it did not resolve all pending motions. That motion is denied.

APPEAL DISMISSED; MOTION TO VACATE DENIED.