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MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ROSHON E. THOMAS,

Defendant - Appellant.

No. 08-35891

D.C. Nos. 2:03-CR-00129-FVS
2:07-CV-00123-FVS

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of Washington
Fred L. Van Sickle, District Judge, Presiding

Submitted November 16, 2010**

Before: TASHIMA, BERZON, and CLIFTON, Circuit Judges.

Federal prisoner Roshon E. Thomas appeals pro se from the district court's order denying his Federal Rule of Civil Procedure 60(b)(4) motion for relief from final judgment. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

Thomas contends the district court erred by denying his Rule 60(b) motion, which alleged that the district court failed to address six of the claims raised in his 28 U.S.C. § 2255 motion. The district court properly concluded that Thomas' motion was, in effect, an unauthorized second or successive motion under § 2255. *See* 28 U.S.C. § 2244(a); *Gonzalez v. Crosby*, 545 U.S. 524, 532 & n.4 (2005).

To the extent that Thomas' contentions may be construed as a request for authorization to file a second or successive § 2255 motion, *see Cooper v. Calderon*, 274 F.3d 1270, 1275 (9th Cir. 2001) (per curiam), such a request is denied because Thomas has not made the requisite showing under 28 U.S.C. § 2255(h).

Thomas' request to expand the certificate of appealability is denied. *See* 9th Cir. R. 22-1(e); *see also Hiivala v. Wood*, 195 F.3d 1098, 1104-05 (9th Cir. 1999) (per curiam).

Thomas' motion to expedite is denied as moot.

AFFIRMED.