

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 02-7494

UNITED STATES OF AMERICA,

Respondent - Appellee,

versus

GEORGE ALDEN BROWN,

Petitioner - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Charleston. Patrick Michael Duffy, District Judge. (CR-99-242, CA-01-2348-2-23)

Submitted: April 25, 2003

Decided: May 30, 2003

Before NIEMEYER, GREGORY, and KING, Circuit Judges.

Dismissed by unpublished per curiam opinion.

George Alden Brown, Appellant Pro Se. Sean Kittrell, OFFICE OF THE UNITED STATES ATTORNEY, Charleston, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

George Alden Brown seeks to appeal the district court's order denying his 28 U.S.C. § 2255 (2000) motion. An appeal may not be taken from the final order in a motion under § 2255 unless a circuit justice or judge issues a certificate of appealability. 28 U.S.C. § 2253(c)(1) (2000). A certificate of appealability will not issue for claims addressed by a district court on the merits absent "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2) (2000). We have independently reviewed the record and conclude Brown has not made the requisite showing. See Miller-El v. Cockrell, _____ U.S._____, 123 S. Ct. 1029 (2003). Accordingly, we deny a certificate of appealability and dismiss the appeal. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED