

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 03-6028

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

DOUGLAS HAYTH BREWBAKER,

Defendant - Appellant.

No. 04-6042

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

DOUGLAS HAYTH BREWBAKER,

Defendant - Appellant.

Appeals from the United States District Court for the Eastern District of North Carolina, at Wilmington. W. Earl Britt, Senior District Judge. (CR-00-77-BR; CA-01-186-7-BR)

Submitted: March 5, 2004

Decided: March 16, 2004

Before WIDENER, MOTZ, and SHEDD, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Sue Ann Genrich Berry, BOWEN, BERRY & POWERS, Wilmington, North Carolina, for Appellant. Rudolf A. Renfer, Jr., Assistant United States Attorney, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM

In these consolidated appeals, Douglas Hayth Brewbaker seeks to appeal the district court's orders and judgment denying relief on his motion filed under 28 U.S.C. § 2255 (2000). An appeal may not be taken from the final order in a § 2255 proceeding 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 the 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 that Brewbaker has not made the requisite showing. See Miller-El v. Cockrell, 537 U.S. 322 (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