

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 03-6334**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

RICKY WAYNE SEELEY,

Defendant - Appellant.

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Appeal from the United States District Court for the Western District of North Carolina, at Statesville. Richard L. Voorhees, District Judge. (CR-98-68, CA-00-62-5-V)

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Submitted: May 20, 2003

Decided: June 10, 2003

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Before WILKINSON, LUTTIG, and WILLIAMS, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Ricky Wayne Seeley, Appellant Pro Se. Jennifer Marke Hoefling, Assistant United States Attorney, Charlotte, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Ricky Wayne Seeley appeals from the order of the district court denying relief on his motion to vacate, set aside, or correct his sentence, filed pursuant to 28 U.S.C. § 2255 (2000). In reviewing the denial of a § 2255 motion, this court may only grant a certificate of appealability if the movant makes a substantial showing of the denial of a constitutional right. 28 U.S.C. § 2253(c)(2). The relevant inquiry is whether “reasonable jurists would find the district court’s assessment of the constitutional claims debatable or wrong.” Miller-El v. Cockrell, 123 S. Ct. 1029, 1040 (2003) (quoting Slack v. McDaniel, 529 U.S. 473, 484 (2000)). We have independently reviewed the record and conclude that Seeley has failed to make this showing. 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