

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 03-6499**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

KLYNE MILTON MCMAHAN, JR., a/k/a Mike McMahon,  
a/k/a John Adams, a/k/a J.R.,

Defendant - Appellant.

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Appeal from the United States District Court for the Eastern District of Virginia, at Norfolk. Henry Coke Morgan, Jr., District Judge. (CR-96-203, CA-99-1507-2)

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Submitted: October 27, 2003

Decided: November 21, 2003

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Before NIEMEYER, MOTZ and, KING, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Klyne Milton McMahan, Jr., Appellant Pro Se. Fernando Groene, Kent Pendleton Porter, OFFICE OF THE UNITED STATES ATTORNEY, Norfolk, Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Klyne Milton McMahan, Jr., seeks to appeal the district court's order denying relief on his motion filed under 28 U.S.C. § 2255 (2000). The order is not appealable 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 absent "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2) (2000). A prisoner satisfies this standard by demonstrating that reasonable jurists would find that his constitutional claims are debatable and that any dispositive procedural rulings by the district court are also debatable or wrong. See Miller-El v. Cockrell, 537 U.S. 322, \_\_\_, 123 S. Ct. 1029, 1039 (2003); Slack v. McDaniel, 529 U.S. 473, 484 (2000); Rose v. Lee, 252 F.3d 676, 683 (4th Cir. 2001). We have independently reviewed the record and conclude that McMahan has not made the requisite showing. Accordingly, we deny a certificate of appealability and dismiss the appeal. Further, we deny McMahan's motion for appointment of counsel and 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