

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 03-6951**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

PASCUAL SALAS,

Defendant - Appellant.

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Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. James R. Spencer, District Judge. (CR-98-166, CA-99-748-3)

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Submitted: October 17, 2003

Decided: November 4, 2003

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Before WIDENER, WILLIAMS, and TRAXLER, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Pascual Salas, Appellant Pro Se. John Staige Davis, V, OFFICE OF THE UNITED STATES ATTORNEY, Richmond, Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Pascual Salas seeks to appeal the district court's order denying relief on his motion to reconsider filed under Fed. R. Civ. P. 60(b). The district court properly construed the Rule 60(b) motion as a successive action under 28 U.S.C. § 2255 (2000). See United States v. Winestock, 340 F.3d 200 (4th Cir. 2003), petition for cert. filed, \_\_\_ U.S.L.W. \_\_\_, (U.S. Sept. 23, 2003) (No. 03-6548). Rather than seek authorization from this court to file a successive § 2255 motion, Salas appealed the denial of the Rule 60(b) motion. 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, 1040 (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 Salas has not made the requisite showing. Neither has Salas presented grounds to merit authorization to file a successive § 2255 motion. See 28 U.S.C. §§ 2244(a), 2255 ¶ 8. 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