

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 03-7952**

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AHMAD MUHAMMAD,

Petitioner - Appellant,

versus

JOSEPH M. BROOKS, Warden, FCI Petersburg,  
Virginia,

Respondent - Appellee.

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Appeal from the United States District Court for the Eastern  
District of Virginia, at Newport News. Henry Coke Morgan, Jr.,  
Senior District Judge. (CA-02-101-4)

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Submitted: March 23, 2005

Decided: April 14, 2005

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Before WILKINSON, LUTTIG, and MICHAEL, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Ahmad Muhammad, Appellant Pro Se. William David Muhr, Assistant  
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Unpublished opinions are not binding precedent in this circuit.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:

Ahmad Muhammad seeks to appeal the district court's order denying relief on his motion filed under 28 U.S.C. § 2255 (2000).<sup>\*</sup> The district court dismissed the action as successive. 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, 336-38 (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 Muhammad has not made the requisite showing. Accordingly, we deny a certificate of appealability and dismiss the appeal. We deny Muhammad's motion to file a supplemental brief, in light of Blakely v. Washington, 124 S. Ct. 2531 (2004), 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

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<sup>\*</sup>Muhammad originally filed his action as a 28 U.S.C. § 2241 (2000) petition.