

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 04-6016**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

ROBERT CY MANN,

Defendant - Appellant.

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**No. 04-6223**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

ROBERT CY MANN,

Defendant - Appellant.

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Appeals from the United States District Court for the Eastern District of Virginia, at Norfolk. Raymond A. Jackson, District Judge. (CR-98-47; CA-03-169-2)

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Submitted: July 30, 2004

Decided: September 23, 2004

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Before WIDENER, WILLIAMS, and MOTZ, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Robert Cy Mann, Appellant Pro Se. Darryl James Mitchell, 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Unpublished opinions are not binding precedent in this circuit.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:

Robert Cy Mann seeks to appeal the district court's orders denying his motion under 28 U.S.C. § 2255 (2000), and construing Mann's Fed. R. Civ. P. 60(b) motion as a § 2255 motion and dismissing it as successive. The orders are not appealable unless a circuit justice or judge issues a certificate of appealability. 28 U.S.C. § 2253(c)(1) (2000); see Reid v. Angelone, 369 F.3d 363, 369 (4th Cir. 2004).

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 (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 Mann has not made the requisite showing. Accordingly, we deny his motions for a certificate of appealability and dismiss the appeals.

To the extent that Mann's notice of appeal and appellate brief with regard to the appeal of the denial of his Rule 60(b) motion can be construed as a motion for authorization to file a successive § 2255 motion, we deny such authorization. See United

States v. Winestock, 340 F.3d 200, 208 (4th Cir.), cert. denied, 124 S. Ct. 496 (2003). 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