

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-6243

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

ANTHONY RICHARD HINDS,

Defendant - Appellant.

Appeal from the United States District Court for the District of Maryland, at Greenbelt. Alexander Williams, Jr., District Judge. (CR-98-391-AW; CA-03-1620-AW)

Submitted: August 25, 2004

Decided: September 23, 2004

Before WILLIAMS, TRAXLER, and DUNCAN, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Anthony Richard Hinds, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Anthony Richard Hinds seeks to appeal the district court's order dismissing as successive his petition filed under 28 U.S.C. § 2255 (2000). The order is appealable only if 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 (2003); Slack v. McDaniel, 529 U.S. 473, 484 (2000); Rose v. Lee, 252 F.3d 676, 683 (4th Cir. 2001). Even if we were to find debatable or wrong the district court's procedural determination that Hinds's § 2255 motion was successive, see In re Goodard, 170 F.3d 435, 437-38 (4th Cir. 1999), our independent review of the record discloses that Hinds's constitutional claims are not debatable. Accordingly, we deny Hinds's motion for 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