

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-6569

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

MICHAEL J. SINDRAM,

Defendant - Appellant.

Appeal from the United States District Court for the District of Maryland, at Greenbelt. Deborah K. Chasanow, District Judge. (CR-96-111-DKC)

Submitted: September 9, 2004

Decided: September 14, 2004

Before WILKINSON, MICHAEL, and GREGORY, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Michael J. Sindram, Appellant Pro Se. Tamera Lynn Fine, OFFICE OF THE UNITED STATES ATTORNEY, Baltimore, Maryland, Hollis Raphael Weisman, Assistant United States Attorney, Greenbelt, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Michael Sindram seeks to appeal the district court's order denying relief on his motions for clarification and modification of order and related relief. Because these motions attacked his conviction and sentence, the court properly construed the motions as having been filed under 28 U.S.C. § 2255 (2000). An appeal may not be taken from the final order in a § 2255 proceeding 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 (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 Sindram has not made the requisite showing. Accordingly, we deny a certificate of appealability and dismiss the appeal. We deny Sindram's motions for appointment of counsel. We also deny Sindram's motion for 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