

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 04-7026**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

STEVEN WAYNE BELL,

Defendant - Appellant.

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Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. W. Earl Britt, Senior District Judge. (CR-01-13)

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Submitted: August 12, 2004

Decided: August 20, 2004

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Before NIEMEYER, WILLIAMS, and TRAXLER, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Steven Wayne Bell, Appellant Pro Se. Thomas B. Murphy, Assistant United States Attorney, Raleigh, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Steven Wayne Bell seeks to appeal the district court's order denying his "Motion for a Directed Appeal." Our review of Bell's motion reveals that it merely repeats arguments he presented on direct appeal of his conviction and in a prior motion under 28 U.S.C. § 2255 (2000). Bell's motion is, therefore, a successive motion to vacate or modify sentence under § 2255 for which Bell has not received authorization under 28 U.S.C. § 2244 (2000). United States v. Winestock, 340 F.3d 200, 206-07 (4th Cir.), cert. denied, \_\_\_ U.S. \_\_\_, 124 S. Ct. 496 (2003). 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, 338 (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 Bell has not made the requisite showing. 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