

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 05-6390**

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RAYMOND BILLY SIMS,

Petitioner - Appellant,

versus

EDWARD MURRAY,

Respondent - Appellee.

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Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Albert V. Bryan, Jr., Senior District Judge. (CA-94-393-AVB)

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Submitted: July 27, 2005

Decided: August 4, 2005

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Before KING, GREGORY and SHEDD, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Raymond Billy Sims, Appellant Pro Se. Thomas Drummond Bagwell, Assistant Attorney General, Richmond, Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Raymond Billy Sims seeks to appeal from the district court's order denying his Fed. R. Civ. P. 60(b) motion in which he asserted errors in the district court's June 1994 order denying his 28 U.S.C. § 2254 (2000) petition and July 1995 order denying his Rule 60(b) motion. Sims also appeals from the district court's order denying his motion to amend his Rule 60(b) motion. The orders are not appealable unless a circuit justice or judge issues a certificate of appealability. 28 U.S.C. § 2253(c)(1) (2000); Reid v. Angelone, 369 F.3d 363, 370 (4th Cir. 2004) (applying the certificate of appealability requirement to appellate review of the denial of a Fed. R. Civ. P. 60(b) motion). 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 the district court's assessment of his constitutional claims is debatable or wrong 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, 683-84 (4th Cir. 2001). We have independently reviewed the record and conclude that Sims 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