

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-7593

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

WILLIE DEMARCUS MCDANIEL,

Defendant - Appellant.

Appeal from the United States District Court for the Middle District of North Carolina, at Durham. Frank W. Bullock, Jr., District Judge. (CR-02-388; CA-04-576-FWB)

Submitted: May 1, 2006

Decided: August 11, 2006

Before LUTTIG,* TRAXLER, and DUNCAN, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Willie Demarcus McDaniel, Appellant Pro Se. Randall Stuart Galyon, Assistant United States Attorney, Greensboro, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

*Judge Luttig was a member of the original panel but did not participate in this decision. This opinion is filed by a quorum of the panel pursuant to 28 U.S.C. § 46(d).

PER CURIAM:

Willie Demarcus McDaniel, a federal prisoner, seeks a certificate of appealability to appeal the district court's order adopting the magistrate judge's report and recommendation denying his 28 U.S.C. § 2255 (2000) 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 and that any dispositive procedural rulings by the district court are likewise 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 McDaniel has not made the requisite showing. Accordingly, we deny McDaniel's request for a certificate of appealability and dismiss his 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