

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-7772

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

CHARLES ONWUAZOMBE, a/k/a Ebele Onwuazor,

Defendant - Appellant.

Appeal from the United States District Court for the District of Maryland, at Baltimore. J. Frederick Motz, District Judge. (CR-91-305-JFM; CA-05-2856-1-JFM)

Submitted: March 30, 2006

Decided: April 7, 2006

Before TRAXLER, GREGORY, and SHEDD, Circuit Judges.

Affirmed in part; dismissed in part by unpublished per curiam opinion.

Charles Onwuazombe, Appellant Pro Se. Robert Reeves Harding, Assistant United States Attorney, Baltimore, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Charles Onwuazombe, a federal prisoner, seeks to appeal the district court's order denying relief on his motion construed as filed under 18 U.S.C. § 3582(c) (2000) and 28 U.S.C. § 2255 (2000). We affirm the portion of the district court's order denying 18 U.S.C. § 3582(c) relief for the reasons stated by the district court. See United States v. Onwuazombe, Nos. CR-91-305-JFM; CA-05-2856-1-JFM (D. Md. filed Oct. 18 & entered Oct. 19, 2005). To the extent that Onwuazombe sought to file a 28 U.S.C. § 2255 (2000) motion, an appeal may not be taken from the final order in a post-conviction 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 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 (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 Onwuazombe has not made the requisite showing. Accordingly, we deny a certificate of appealability and dismiss the appeal of the

denial of 28 U.S.C. § 2255 relief. 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.

AFFIRMED IN PART;
DISMISSED IN PART