

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 06-6029**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

DONALD WAYNE MELTON,

Defendant - Appellant.

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Appeal from the United States District Court for the District of South Carolina, at Spartanburg. Henry M. Herlong, Jr., District Judge. (CR-00-490; CA-03-596)

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Submitted: April 28, 2006

Decided: May 18, 2006

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Before WILKINSON, MOTZ, and TRAXLER, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Donald Wayne Melton, Appellant Pro Se. Regan Alexandra Pendleton, Assistant United States Attorney, Greenville, South Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Donald Wayne Melton seeks to appeal the district court's order denying relief on his motion filed under Fed. R. Civ. P. 60(b). To appeal an order denying a Rule 60(b) motion in a postconviction proceeding, Melton must establish his entitlement to a certificate of appealability. Reid v. Angelone, 369 F.3d 363, 369 (4th Cir. 2004). 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 ruling by the district court is likewise debatable. 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 Melton has not made the requisite showing.

To the extent that Melton's notice of appeal and informal brief can be construed as a motion for authorization to file a successive § 2255 motion, we deny such authorization. See United States v. Winestock, 340 F.3d 200, 208 (4th Cir. 2003). Accordingly, we deny Melton's motion for 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