

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 06-6305**

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VASU D. ARORA,

Plaintiff - Appellant,

versus

JOHN EDWARDS; MICHELLE DERRIKO; MICHAEL J.  
BARBOUR; TERRY G. KILGORE; JOHN R. FLEDER;  
DOES 1 THROUGH 25, inclusive,

Defendants - Appellees.

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Appeal from the United States District Court for the Western  
District of Virginia, at Roanoke. Glen M. Williams, Senior  
District Judge. (1:98-cr-00072-GMW; 7:05-cv-00188-JCT)

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Submitted: June 22, 2006

Decided: June 30, 2006

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Before NIEMEYER, MICHAEL, and GREGORY, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Vasu D. Arora, Appellant Pro Se. Kevin Osborne Barnard, FRITH,  
ANDERSON & PEAKE, Roanoke, Virginia, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Vasu D. Arora seeks to appeal the district court's order denying his motion for reconsideration of the denial of his motion for production of documents following the denial of his 28 U.S.C. § 2255 (2000) motion.\* The order is not appealable 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 any assessment of the constitutional claims by the district court is debatable or wrong and that any dispositive procedural ruling by the district court is likewise debatable. 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 Arora has not made the requisite showing. Accordingly, we deny a certificate of appealability and dismiss the appeal. Finding the appeal timely filed, we deny Appellees' motion to dismiss on that basis. We dispense with oral argument because the facts and legal contentions are adequately presented in the

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\*Arora filed the underlying action as a civil complaint against the Defendants. The district court determined that his action was, in effect, a § 2255 motion because Arora sought to challenge the validity of his convictions and his sentence based on his claims of ineffective assistance of counsel.

materials before the court and argument would not aid the decisional process.

DISMISSED