

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

**No. 06-6474**

---

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

GARY DEAN BOONE,

Defendant - Appellant.

---

Appeal from the United States District Court for the District of South Carolina, at Florence. Joseph F. Anderson, Jr., Chief District Judge. (4:97-cr-00733-RLA; 4:05-cv-00869-JFA)

---

Submitted: May 16, 2006

Decided: May 24, 2006

---

Before WILLIAMS, MOTZ, and TRAXLER, Circuit Judges.

---

Dismissed by unpublished per curiam opinion.

---

Gary Dean Boone, Appellant Pro Se. Alfred William Walker Bethea, Jr., Assistant United States Attorney, Florence, South Carolina, for Appellee.

---

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Gary Dean Boone seeks to appeal the district court's order and judgment dismissing without prejudice his Rule 60(b) motion challenging the denial of his 28 U.S.C. § 2255 (2000). An appeal may not be taken from the final order in a § 2255 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 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 Boone 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