

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-7471

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

MICHAEL ALLEN KOKOSKI,

Defendant - Appellant.

Appeal from the United States District Court for the Southern District of West Virginia, at Beckley. David A. Faber, Chief District Judge. (5:92-00090-01; 5:01-cv-00944)

Submitted: October 17, 2006

Decided: October 24, 2006

Before NIEMEYER, KING, and DUNCAN, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Michael Allen Kokoski, Appellant Pro Se. Michael Lee Keller, OFFICE OF THE UNITED STATES ATTORNEY, Charleston, West Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Michael Allen Kokoski seeks to appeal the district court's orders denying his Rule 60(b) motion and denying his motion to quash, as well as other related motions. Kokoski sought to reopen the proceedings brought under 28 U.S.C. § 2255 (2000). The orders are 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 Kokoski has not made the requisite showing.

Accordingly, we deny a certificate of appealability and dismiss the appeal. We also deny Kokoski's motion for oral argument. 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

*To the extent Kokoski may be seeking authorization under 28 U.S.C. § 2244 (2000) to file a second or successive 28 U.S.C. § 2255 (2000) motion, we deny authorization.