

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-6804

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

ONE MALE JUVENILE,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of North Carolina, at Bryson City. Lacy H. Thornburg, District Judge. (2:07-cv-00005; 2:06-cv-00030; 2:01-cr-00004)

Submitted: September 12, 2007

Decided: September 25, 2007

Before SHEDD and DUNCAN, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Dismissed in part; affirmed in part by unpublished per curiam opinion.

One Male Juvenile, Appellant Pro Se. Amy Elizabeth Ray, OFFICE OF THE UNITED STATES ATTORNEY, Asheville, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

One Male Juvenile (1MJ) seeks to appeal the district court's order denying relief on his 28 U.S.C. § 2241 (2000) petition and denying relief on his 28 U.S.C. § 2255 (2000) motion. Regarding the denial of 1MJ's § 2241 petition, we have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. One Male Juvenile v. United States, No. 2:06-cv-00030 (W.D.N.C. Apr. 6, 2007).

The order denying relief on 1MJ's § 2255 motion 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 1MJ has not made the requisite showing. Accordingly, we deny 1MJ's motion for a certificate of appealability, deny as moot his motion to expedite the appeal, 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 IN PART; AFFIRMED IN PART