

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

**No. 07-6841**

---

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

BRYANT ELLIOTT DAVIS, a/k/a Joseph Butler,  
a/k/a Bryant Davidson,

Defendant - Appellant.

---

Appeal from the United States District Court for the District of  
Maryland, at Baltimore. William D. Quarles, Jr., District Judge.  
(1:03-cr-00412-WDQ; 1:07-cv-01018-WDQ)

---

Submitted: September 13, 2007

Decided: September 19, 2007

---

Before GREGORY and DUNCAN, Circuit Judges, and WILKINS, Senior  
Circuit Judge.

---

Dismissed by unpublished per curiam opinion.

---

Bryant Elliott Davis, Appellant Pro Se. Richard Charles Kay,  
OFFICE OF THE UNITED STATES ATTORNEY, Baltimore, Maryland, for  
Appellee.

---

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Bryan Elliot Davis seeks to appeal the district court's order denying relief on his Fed. R. Crim. P. 33 motion, which the district court properly construed as an unauthorized successive 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 Davis 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