

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 07-6977**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

MICHAEL ANTHONY JENKINS,

Defendant - Appellant.

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**No. 07-7106**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

MICHAEL ANTHONY JENKINS,

Defendant - Appellant.

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**No. 07-7107**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

MICHAEL ANTHONY JENKINS,

Defendant - Appellant.

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Appeals from the United States District Court for the Western District of North Carolina, at Asheville. Lacy H. Thornburg, District Judge. (1:02-cr-00105-LHT; 1:06-cv-00373-LHT)

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Submitted: August 30, 2007

Decided: September 11, 2007

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Before MICHAEL, KING, and SHEDD, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Michael Anthony Jenkins, Appellant Pro Se. Gretchen C.F. Shappert, United States Attorney, Charlotte, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

In No. 07-6977, Michael Anthony Jenkins seeks to appeal the district court's orders denying his 28 U.S.C. § 2255 (2000) motion and his subsequent motion for reconsideration. In Nos. 07-7106/7107, Jenkins has filed a motion for a certificate of appealability as to these same two orders. 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 that Jenkins has not made the requisite showing. Accordingly, we deny Jenkins' motion for a certificate of appealability and dismiss the appeals.\* We dispense with oral

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\*To the extent that Jenkins seeks to raise new claims in his informal brief, these claims are not properly before the court. See Muth v. United States, 1 F.3d 246, 250 (4th Cir. 1993) (stating that issues raised for first time on appeal will not be considered absent a showing of plain error or a fundamental miscarriage of justice).

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