

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 07-7460**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

ANTHONY EUGENE BROOKS,

Defendant - Appellant.

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Appeal from the United States District Court for the Eastern District of Virginia, at Newport News. Henry Coke Morgan, Jr., Senior District Judge. (4:05-00006-HCM; 4:07-cv-00010-HCM)

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Submitted: January 30, 2008

Decided: August 21, 2008

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Before MOTZ, TRAXLER, and KING, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Anthony Eugene Brooks, Appellant Pro Se. Scott Walker Putney, OFFICE OF THE UNITED STATES ATTORNEY, Newport News, Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Anthony Eugene Brooks seeks to appeal the district court's order denying relief on his 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 Brooks has not made the requisite showing. Accordingly, although we grant Brooks' motion to amend or correct his informal brief, we deny his motion to transfer, deny a certificate of appealability, and dismiss the appeal. We deny as moot Brooks' motion for release on bond pending review. 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