

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-6776

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

REGGIE LAMAR KELLEY,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Columbia. Cameron McGowan Currie, District Judge. (3:04-cr-00998-CMC-1; 3:07-cv-70131-CMC)

Submitted: September 11, 2008

Decided: September 17, 2008

Before WILKINSON and NIEMEYER, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Reggie Lamar Kelley, Appellant Pro Se. Jimmie Ewing, Christopher Todd Hagins, Assistant United States Attorneys, Columbia, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Reggie Lamar Kelley 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. See 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. See 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 Kelley 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

*Although Kelley also filed a notice of appeal challenging the district court's separate order dismissing his post-judgment motion as a successive § 2255 motion, Kelley does not address the district court's dismissal of that motion in his informal brief and has therefore waived appellate review of that order. See Local Rule 34(b) ("The Court will limit its review to the issues raised in the informal brief.").

adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED