

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-7213

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MARQUISE D. CARTER, a/k/a Marquise Carter, a/k/a Maruise
Carter,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern
District of Virginia, at Alexandria. Claude M. Hilton, Senior
District Judge. (1:07-cr-00288-CMH-1; 1:09-cv-00503-CMH)

Submitted: October 20, 2009

Decided: October 27, 2009

Before TRAXLER, Chief Judge, NIEMEYER, Circuit Judge, and
HAMILTON, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Marquise D. Carter, Appellant Pro Se. Jack Hanly, Assistant
United States Attorney, Alexandria, Virginia, Olivia Rose
Hussey, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C.,
for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Marquise D. Carter seeks to appeal the district court's orders denying relief on his 28 U.S.C.A. § 2255 (West Supp. 2009) motion and his subsequent motion for reconsideration. The orders are not appealable unless a circuit justice or judge issues a certificate of appealability. 28 U.S.C. § 2253(c)(1) (2006). 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) (2006). 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 Carter has not made the requisite showing. Accordingly, we grant Carter's motion to consolidate his appeal of the district court's orders, 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