

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 10-7032

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MICHAEL DAVID BEAR,

Defendant - Appellant.

No. 10-7033

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MICHAEL DAVID BEAR,

Defendant - Appellant.

Appeals from the United States District Court for the Western District of Virginia, at Abingdon and Big Stone Gap. James P. Jones, District Judge. (1:06-cr-00018-jpj-mfu-1; 1:10-cv-80257-jpj-mfu; 2:05-cr-00029-jpj-mfu-1; 2:10-cv-80258-jpj-mfu)

Submitted: September 28, 2010

Decided: October 14, 2010

Before WILKINSON, KING, and SHEDD, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Michael David Bear, Appellant Pro Se. Zachary T. Lee, Assistant
United States Attorney, Abingdon, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Michael David Bear seeks to appeal the district court's order denying relief on his 28 U.S.C.A. § 2255 (West Supp. 2010) motions. The order is 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). When the district court denies relief on the merits, a prisoner satisfies this standard by demonstrating that reasonable jurists would find that the district court's assessment of the constitutional claims is debatable or wrong. Slack v. McDaniel, 529 U.S. 473, 484 (2000); see Miller-El v. Cockrell, 537 U.S. 322, 336-38 (2003). When the district court denies relief on procedural grounds, the prisoner must demonstrate both that the dispositive procedural ruling is debatable, and that the motion states a debatable claim of the denial of a constitutional right. Slack, 529 U.S. at 484-85. We have independently reviewed the record and conclude that Bear has not made the requisite showing. Accordingly, we deny a certificate of appealability and dismiss the appeals. 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