

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 11-6196**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

KEVIN MCDONALD,

Defendant - Appellant.

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Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. James R. Spencer, Chief District Judge. (3:04-cr-00255-JRS-2)

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Submitted: August 25, 2011

Decided: August 29, 2011

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Before MOTZ, DUNCAN, and KEENAN, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Kevin McDonald, Appellant Pro Se. Stephen Wiley Miller, Elizabeth Wu, Assistant United States Attorneys, Richmond, Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Kevin McDonald seeks to appeal the district court's orders denying relief on his 28 U.S.C.A. § 2255 (West Supp. 2011) motion and his other various motions attacking his conviction. These orders are not appealable unless a circuit justice or judge issues a certificate of appealability. 28 U.S.C. § 2253(c)(1)(B) (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 McDonald has not made the requisite showing. Accordingly, we deny a certificate of appealability and dismiss the appeal. We deny all of McDonald's outstanding motions. 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