

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 11-6356

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

RONALD WAYNE LEWIS,

Defendant - Appellant.

Appeal from the United States District Court for the District of Virginia, at Richmond. James R. Spencer, Chief District Judge. (3:07-cr-00104-JRS-1; 3:09-cv-00684-JRS)

Submitted: July 28, 2011

Decided: August 2, 2011

Before SHEDD, AGEE, and DIAZ, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Ronald Wayne Lewis, Appellant Pro Se. Stephen Wiley Miller, Assistant United States Attorney, Brandon Michael Santos, OFFICE OF THE UNITED STATES ATTORNEY, Richmond, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Ronald Wayne Lewis seeks to appeal the district court's order denying in part his 28 U.S.C.A. § 2255 (West Supp. 2011) motion.* The order is 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 Lewis 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

* The court granted the § 2255 motion in part and entered an amended judgment reducing Lewis' supervised release term from five years to three years.

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

DISMISSED