

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 14-6052

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ALLAH BURMAN, a/k/a A,

Defendant - Appellant.

Appeal from the United States District Court for the District of Maryland, at Baltimore. James K. Bredar, District Judge. (1:01-cr-00115-JKB-5; 1:13-cv-02980-JKB)

Submitted: March 25, 2014

Decided: March 28, 2014

Before GREGORY, KEENAN, and WYNN, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Allah Burman, Appellant Pro Se. Christopher John Romano, Assistant United States Attorney, Stephen Schenning, Lisa M. Turner, OFFICE OF THE UNITED STATES ATTORNEY, Baltimore, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Allah Burman seeks to appeal the district court's order denying relief on his 28 U.S.C. § 2255 (2012) motion, and he has filed a motion for release from custody. Because Burman's § 2255 motion was a successive and unauthorized § 2255 motion, see 28 U.S.C. § 2255(h); In re Vial, 115 F.3d 1192, 1194 (4th Cir. 1997), the district court was obligated to dismiss the motion, see United States v. Winestock, 340 F.3d 200, 205 (4th Cir. 2003), and the order is not appealable unless a circuit justice or judge issues a certificate of appealability. 28 U.S.C. § 2253(c)(1) (2012); Reid v. Angelone, 369 F.3d 363, 369 (4th Cir. 2004).

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) (2012). 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 Burman has not made the requisite showing. Accordingly, we deny Burman's motion for release from custody, 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 this court and argument would not aid the decisional process.

DISMISSED