

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 14-6354**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

BETH ANN BROYLES,

Defendant - Appellant.

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Appeal from the United States District Court for the Eastern District of Virginia, at Norfolk. Mark S. Davis, District Judge. (2:09-cr-00003-MSD-TEM-23; 2:11-cv-00496-MSD)

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Submitted: July 21, 2014

Decided: July 31, 2014

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Before GREGORY, DUNCAN, and KEENAN, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Beth Ann Broyles, Appellant Pro Se. Scott Christopher Alleman, OFFICE OF THE UNITED STATES ATTORNEY, Joseph Evan DePadilla, Stephen Westley Haynie, Assistant United States Attorneys, Norfolk, Virginia; Gurney Wingate Grant, II, Assistant United States Attorney, Richmond, Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Beth Ann Broyles seeks to appeal the district court's order denying relief on her 28 U.S.C. § 2255 (2012) 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) (2012). 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 Broyles has not made the requisite showing. Accordingly, we deny Broyles' motion for 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