

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 14-7041

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DANIEL L. SPENCE, a/k/a Daniel L. Johnson,

Defendant - Appellant.

Appeal from the United States District Court for the District of Maryland, at Baltimore. William D. Quarles, Jr., District Judge. (1:98-cr-00034-WDQ-1; 1:14-cv-01310-WDQ)

Submitted: January 22, 2015

Decided: January 27, 2015

Before SHEDD, KEENAN, and DIAZ, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Daniel L. Spence, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Daniel L. Spence seeks to appeal the district court's orders construing his self-styled "Request for Judicial Notice of Adjudicative Facts" as an unauthorized, successive 28 U.S.C. § 2255 (2012) motion and dismissing it for lack of jurisdiction, and denying Spence's Fed. R. Civ. P. 59(e) motion to alter or amend judgment. The orders are 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 Spence 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 and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

DISMISSED