

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 14-7165**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

BYRON MITCHELL,

Defendant - Appellant.

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Appeal from the United States District Court for the District of Maryland, at Greenbelt. Alexander Williams, Jr., District Judge; Peter J. Messitte, Senior District Judge. (8:11-cr-00525-PJM-1; 8:13-cv-01551-PJM)

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Submitted: April 17, 2015

Decided: April 24, 2015

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Before DUNCAN and DIAZ, Circuit Judges, and DAVIS, Senior Circuit Judge.

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Dismissed by unpublished per curiam opinion.

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Byron Mitchell, Appellant Pro Se. Lindsay Eyler Kaplan, Sujit Raman, Assistant United States Attorneys, Greenbelt, Maryland, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Byron Mitchell seeks to appeal the district court's order denying relief on his 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).

We have independently reviewed the record and conclude that Mitchell 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

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\* To the extent Mitchell also seeks to appeal the district court's order denying his Fed. R. Civ. P. 59(e) motion, he has forfeited appellate review of that order by failing to challenge in his informal appellate brief the reasons for the denial. See 4th Cir. R. 34(b).