

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 14-7467**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

CLAUDE WENDELL BELLAMY,

Defendant - Appellant.

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Appeal from the United States District Court for the Eastern District of North Carolina, at Wilmington. James C. Fox, Senior District Judge. (7:99-cr-00049-F-1, 7:03-cv-00024-F)

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Submitted: January 15, 2015

Decided: January 21, 2015

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Before WILKINSON and NIEMEYER, Circuit Judges, and DAVIS, Senior Circuit Judge.

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Dismissed by unpublished per curiam opinion.

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Claude Wendell Bellamy, Appellant Pro Se. John Samuel Bowler, OFFICE OF THE UNITED STATES ATTORNEY, Jennifer P. May-Parker, Assistant United States Attorney, Raleigh, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Claude Wendell Bellamy seeks to appeal the district court's order construing his motion to dismiss the indictment as a second or successive 28 U.S.C. § 2255 (2012) motion and dismissing it for lack of authorization from this court. See 28 U.S.C. § 2244(b)(3)(A) (2012). 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 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 v. McDaniel, 529 U.S. 473, 484-85 (2000).

We have independently reviewed the record and conclude that Bellamy 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