

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 02-7629

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

GABRIELLE ANTHONY ORTIZ,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Gerald Bruce Lee, District Judge. (CR-01-42-A; CA-02-1039-AM)

Submitted: October 15, 2003

Decided: February 10, 2004

Before MOTZ, TRAXLER, and DUNCAN, Circuit Judges.

Dismissed by unpublished per curiam opinion.

James Harold Feldman, Jr., LAW OFFICES OF ALAN ELLIS, Ardmore, Pennsylvania, for Appellant. William Edward Fitzpatrick, OFFICE OF THE UNITED STATES ATTORNEY, Alexandria, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Gabrielle Anthony Ortiz seeks to appeal the district court's order denying his 28 U.S.C. § 2255 (2000) motion. Ortiz cannot appeal this order unless a circuit judge or justice issues a certificate of appealability, and 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) (2000). A § 2255 movant meets this standard by demonstrating that reasonable jurists would find that his constitutional claims are debatable and that any dispositive procedural rulings by the district court are also debatable or wrong. See Miller-El v. Cockrell, 537 U.S. 322, ___, 123 S. Ct. 1029, 1039-40 (2003); Slack v. McDaniel, 529 U.S. 473, 484 (2000); Rose v. Lee, 252 F.3d 676, 683 (4th Cir. 2001). We have independently reviewed the record and conclude Ortiz 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 the court and argument would not aid the decisional process.

DISMISSED