

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 02-7884

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

MARJORIE MOISE, a/k/a Jane Doe, a/k/a Katrina
Yates,

Defendant - Appellant.

Appeal from the United States District Court for the District of
South Carolina, at Charleston. Sol Blatt, Jr., Senior District
Judge. (CR-95-194, CA-01-2896-9-8)

Submitted: April 30, 2003

Decided: July 18, 2003

Before TRAXLER, GREGORY, and SHEDD, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Marjorie Moise, Appellant Pro Se. Robert Hayden Bickerton,
Assistant United States Attorney, Charleston, South Carolina, for
Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Marjorie Moise appeals from the order of the district court denying relief on her motion to vacate, set aside, or correct her sentence, filed pursuant to 28 U.S.C. § 2255 (2000). In reviewing the denial of a § 2255 motion, this court may only grant a certificate of appealability if the appellant makes a substantial showing of the denial of a constitutional right. 28 U.S.C. § 2253(c)(2) (2000). The relevant inquiry is whether “reasonable jurists would find the district court’s assessment of the constitutional claims debatable or wrong.” Miller-El v. Cockrell, 537 U.S. 322, ___, 123 S. Ct. 1029, 1040 (2003) (quoting Slack v. McDaniel, 529 U.S. 473, 484 (2000)). Assuming without deciding that equitable tolling applies, we conclude that Moise has failed to make this showing. Accordingly, we deny a certificate of appealability and dismiss the appeal. We also deny Moise’s motion for appointment of counsel. 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