

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 03-7610

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

ALANDIOUS T. FELDMAN, a/k/a Tony Rony,

Defendant - Appellant.

Appeal from the United States District Court for the District of Maryland, at Baltimore. Andre M. Davis, District Judge. (CR-00-242-AMD; CA-02-1686-AMD)

Submitted: February 25, 2004

Decided: March 11, 2004

Before WILKINSON, TRAXLER and SHEDD, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Alandious T. Feldman, Appellant Pro Se. Jamie M. Bennett, Assistant United States Attorney, Lynne Ann Battaglia, OFFICE OF THE UNITED STATES ATTORNEY, Baltimore, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Alandious T. Feldman seeks to appeal the district court's order denying relief on his motion filed under 28 U.S.C. § 2255 (2000). The order is not appealable unless a circuit justice or judge issues a certificate of appealability. 28 U.S.C. § 2253(c)(1) (2000). 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 prisoner satisfies 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, 336 (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 that Feldman has not made the requisite showing. Accordingly, we deny Feldman's motion for a certificate of appealability and dismiss the appeal. We deny as moot Feldman's motion to hold this appeal in abeyance pending the district court's ruling on his motion for reconsideration in light of the district court's recent denial of reconsideration. 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