

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-6216

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

AHMED MALACHI ABDEL-AZIZ,

Defendant - Appellant.

No. 06-6673

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

AHMED MALACHI ABDEL-AZIZ, a/k/a Jerome Smith,
a/k/a Michael Smith, a/k/a Bobby Seals, a/k/a
Bobby Seal, a/k/a Cedric Ellison, a/k/a
Fretral McRae, a/k/a Chreshan Allen,

Defendant - Appellant.

Appeals from the United States District Court for the Eastern
District of North Carolina, at Wilmington. James C. Fox, Senior
District Judge. (7:00-CR-75-F; 7:03-CV-17-F)

Submitted: September 28, 2006

Decided: October 5, 2006

Before NIEMEYER, TRAXLER, and SHEDD, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Ahmed Malachi Abdel-Aziz, Appellant Pro Se. Dennis M. Duffy,
Assistant United States Attorney, Mary Jude Darrow, Raleigh, North
Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Ahmed Malachi Abdel-Aziz seeks to appeal the district court's orders denying relief on his underlying 28 U.S.C. § 2255 (2000) motion, and his motions for application of Booker¹ and Teague,² to correct judgment, for reconsideration, and to recall the mandate (Appeal No. 06-6216), as well as his "place holder" motion, and the district court's denial of his motion for reconsideration of the denial of his "place holder motion." (Appeal No. 06-6673). The orders are 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 any assessment of the constitutional claims by the district court is debatable or wrong and that any dispositive procedural ruling by the district court is likewise debatable. Miller-El v. Cockrell, 537 U.S. 322, 336-38 (2003); Slack v. McDaniel, 529 U.S. 473, 484 (2000); Rose v. Lee, 252 F.3d 676, 683-84 (4th Cir. 2001). We have independently reviewed the record and conclude that Abdel-Aziz has not made the requisite showing. Accordingly, we deny a certificate of appealability and dismiss the

¹See United States v. Booker, 543 U.S. 220 (2005).

²See Teague v. Lane, 489 U.S. 288 (1989).

appeal.³ 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

³To the extent Abdel-Aziz seeks to raise claims for the first time on appeal, we decline to consider such claims. See Muth v. United States, 1 F.3d 246, 250 (4th Cir. 1993).