UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

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No. 06-7246

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UNITED STATES OF AMERICA,

                                    Plaintiff - Appellee,

        versus

MICHAEL NELSON ARMSTRONG,

                                    Defendant - Appellant.

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Appeal from the United States District Court for the Eastern
District of North Carolina, at Raleigh. Malcolm J. Howard, Senior
District Judge. (2:93-cr-00017-H; 2:05-cv-00024-H)

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Submitted: October 23, 2006   Decided: November 3, 2006

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Before WILKINSON and KING, Circuit Judges, and HAMILTON, Senior
Circuit Judge.

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Dismissed by unpublished per curiam opinion.

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Michael Nelson Armstrong, Appellant Pro Se. Steve R. Matheny,
OFFICE OF THE UNITED STATES ATTORNEY, Raleigh, North Carolina, for
Appellee.

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PER CURIAM:

Michael Nelson Armstrong seeks to appeal the district court's orders dismissing as untimely his 28 U.S.C. § 2255 (2000) motion and denying his application for a certificate of appealability. The order dismissing Armstrong's § 2255 motion 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 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 Armstrong 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