

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-7758

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ORION ROSS HARDEN, a/k/a Clyde Ross Hardin, a/k/a Martel Ross Harden, a/k/a Fillgoode Smith, a/k/a Orion Matel, a/k/a Ronald Blackwell, a/k/a Martell Smith, a/k/a Monte Williams, a/k/a Norman Simmons,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of Virginia, at Charlottesville. James C. Turk, Senior District Judge. (3:97-cr-70099-jct-mfu-1; 3:08-cv-800820-jct-mfu)

Submitted: February 18, 2010

Decided: February 24, 2010

Before WILKINSON, MICHAEL, and KING, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Orion Ross Harden, Appellant Pro Se. Donald Ray Wolthuis, Assistant United States Attorney, Roanoke, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Orion Ross Harden seeks to appeal the district court's orders denying relief on his 28 U.S.C.A. § 2255 (West Supp. 2009) motion and his motion for reconsideration. The orders are not appealable unless a circuit justice or judge issues a certificate of appealability. 28 U.S.C. § 2253(c)(1) (2006). 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) (2006). 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 Harden 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