UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

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No. 10-6667

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UNITED STATES OF AMERICA,

              Plaintiff - Appellee,

     v.

DAVID A. WILSON,

              Defendant - Appellant.

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Appeal from the United States District Court for the Western
District of Virginia, at Abingdon.   James C. Turk, Senior
District Judge.   (1:95-cr-00006-jct-mfu-1; 1:10-cv-80240-jct-
mfu)

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Submitted: August 26, 2010   Decided: December 14, 2010

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Before MOTZ, GREGORY, and AGEE, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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David A. Wilson, Appellant Pro Se. Rick A. Mountcastle, OFFICE
OF THE UNITED STATES ATTORNEY, Roanoke, Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

David A. Wilson seeks to appeal the district court's order dismissing without prejudice his successive 28 U.S.C.A. § 2255 (West Supp. 2010) motion. The order is not appealable unless a circuit justice or judge issues a certificate of appealability. 28 U.S.C. § 2253(c)(1) (2006); Reid v. Angelone, 369 F.3d 363, 369 (4th Cir. 2004). 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). When the district court denies relief on the merits, a prisoner satisfies this standard by demonstrating that reasonable jurists would find that the district court's assessment of the constitutional claims is debatable or wrong. Slack v. McDaniel, 529 U.S. 473, 484 (2000); see Miller-El v. Cockrell, 537 U.S. 322, 336-38 (2003). When the district court denies relief on procedural grounds, the prisoner must demonstrate both that the dispositive procedural ruling is debatable, and that the motion states a debatable claim of the denial of a constitutional right. Slack, 529 U.S. at 484-85. We have independently reviewed the record and conclude that the district court properly dismissed his motion and Wilson has not made the requisite showing for a certificate of appealability. Accordingly, we deny a certificate of appealability and dismiss the appeal.

DISMISSED

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