UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-7702

UNITED STATES OF AMERICA,

        Plaintiff - Appellee,

    v.

PHILLIP WHITEHURST, a/k/a L'il Phil, a/k/a Lil Phil, a/k/a Philip Whitehurst,

        Defendant - Appellant.

Appeal from the United States District Court for the District of Maryland, at Greenbelt. Peter J. Messitte, Senior District Judge. (8:11-cr-00567-PJM-8; 8:16-cv-01775-PJM; 8:15-cv-02914-PJM)

Submitted: April 25, 2017   Decided: April 28, 2017

Before MOTZ, DUNCAN, and AGEE, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Phillip Whitehurst, Appellant Pro Se. Jonathan Falk Lenzner, INVESTIGATIVE GROUP INTERNATIONAL, Washington, D.C., Arun G. Rao, Thomas Martin Sullivan, Assistant United States Attorneys, Greenbelt, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Phillip Whitehurst seeks to appeal the district court's order denying him 28 U.S.C. § 2255 (2012) relief. The order is not appealable unless a circuit justice or judge issues a certificate of appealability. 28 U.S.C. § 2253(c)(1)(B) (2012). 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) (2012). 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 Whitehurst has not made the requisite showing. Accordingly, we deny a certificate of appealability, deny Whitehurst's motion for appointment of counsel, and dismiss the appeal. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

DISMISSED