

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-7420

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

HOWARD HARDY,

Defendant - Appellant.

No. 05-7584

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

HOWARD HARDY,

Defendant - Appellant.

Appeals from the United States District Court for the Eastern District of Virginia, at Alexandria. Leonie M. Brinkema, District Judge. (CR-95-156; CA-05-880; CA-05-1103)

Submitted: January 13, 2006

Decided: February 7, 2006

Before MICHAEL, MOTZ, and GREGORY, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Howard Hardy, Appellant Pro Se. Irvin McCreary Allen, OFFICE OF
THE UNITED STATES ATTORNEY, Alexandria, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

In No. 05-7420, Howard Hardy seeks to appeal the district court's order dismissing his 28 U.S.C. § 2255 (2000) motion as untimely. In No. 05-7584, he seeks to appeal the court's order dismissing a later-filed § 2255 motion on the ground that it was a "second or successive" § 2255 motion requiring a certificate of appealability from this court, which Hardy did not obtain. See 28 U.S.C. § 2244 (2000).

An appeal may not be taken from the final order in a § 2255 proceeding 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 the district court's assessment of his constitutional claims is debatable or wrong and that any dispositive procedural ruling by the district court is likewise debatable. See Miller-El v. Cockrell, 537 U.S. 322, 336 (2003); Slack v. McDaniel, 529 U.S. 473, 484 (2000); Rose v. Lee, 252 F.3d 676, 683 (4th Cir. 2001). We have independently reviewed the record and conclude that Hardy has not made the requisite showing. Accordingly, we deny certificates of appealability and dismiss Hardy's appeals. 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