

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-6974

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

JUANITA E. LAWSON,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Newport News. Jerome B. Friedman, District Judge. (4:99-cr-00055-JBF)

Submitted: October 31, 2006

Decided: November 6, 2006

Before WILLIAMS, MICHAEL, and GREGORY, Circuit Judges.

Dismissed in part and affirmed in part by unpublished per curiam opinion.

Juanita E. Lawson, Appellant Pro Se. Timothy Richard Murphy, Special Assistant United States Attorney, Newport News, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Juanita E. Lawson seeks to appeal the district court's order denying relief on her motion for modification of her judgment of conviction entered on September 12, 2000. To the extent that the court construed Lawson's motion as one filed under 28 U.S.C. § 2255 (2000) motion, the order 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 Lawson has not made the requisite showing. Accordingly, we deny a certificate of appealability and dismiss the appeal.

To the extent the court considered Lawson's motion as a motion for reconsideration of the September 12, 2000, order pursuant to Fed. R. Civ. P. 60(b), we have reviewed the record and find no reversible error. We therefore affirm. 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 IN PART; AFFIRMED IN PART