UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

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No. 06-7162

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UNITED STATES OF AMERICA,

                               Plaintiff - Appellee,

    versus

KEITH RUSSELL JUDD,

                               Defendant - Appellant.

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Appeal from the United States District Court for the Middle
District of North Carolina, at Durham. William L. Osteen, District
Judge. (1:05-cv-00472)

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Submitted: August 24, 2006   Decided: September 1, 2006

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Before KING, SHEDD, and DUNCAN, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Keith Russell Judd, Appellant Pro Se. Angela Hewlett Miller, OFFICE
OF THE UNITED STATES ATTORNEY, Greensboro, North Carolina, for
Appellee.

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PER CURIAM:

Keith Russell Judd seeks to appeal the district court's judgment affirming the orders of the magistrate judge and dismissing his motion for relief from judgment and motion for enforcement of a pretrial diversion agreement, which the magistrate judge construed as 28 U.S.C. § 2255 (2000) motions. 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 Judd 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