

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 06-7236**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

JOSE JUAN BARAJAS,

Defendant - Appellant.

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Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. Malcolm J. Howard, District Judge. (5:01-cr-00121-H-1; 5:03-cv-00785-H)

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Submitted: January 17, 2007

Decided: February 12, 2007

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Before NIEMEYER, MOTZ, and KING, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Jose Juan Barajas, Appellant Pro Se. Rudolf A. Renfer, Jr., Assistant United States Attorney, Raleigh, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Jose Juan Barajas seeks to appeal the district court's order denying relief on his 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 Barajas 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

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\*To the extent that Barajas seeks to appeal the district court's orders denying his post-judgment motions – a motion to amend his § 2255 motion and a Fed. R. Civ. P. 60(b) motion for reconsideration – because Barajas did not timely file a notice of appeal as to those orders, they are not before us for review.