

**UNPUBLISHED**UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 06-7406**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

VANCE MARCEL GIBSON,

Defendant - Appellant.

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**No. 06-7407**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

VANCE MARCEL GIBSON,

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, Senior District Judge. (6:93-cr-00211-WLO-1; 1:06-cv-00332-WLO; 1:06-cv-00436-WLO)

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Submitted: December 21, 2006

Decided: January 4, 2007

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Before NIEMEYER, WILLIAMS, and KING, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Vance Marcel Gibson, Appellant Pro Se. Angela Hewlett Miller,  
OFFICE OF THE UNITED STATES ATTORNEY, Greensboro, North Carolina,  
for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

In these consolidated appeals, Vance Marcel Gibson seeks to appeal the district court's orders accepting the magistrate judge's recommendations and denying relief on his 28 U.S.C. § 2255 (2000) motion and his motion pursuant to 18 U.S.C. § 3582 (2000), which the district court construed as a successive § 2255 motion. The orders are 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 records and conclude that Gibson has not made the requisite showing. Accordingly, we deny a certificate of appealability and dismiss both 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