**UNPUBLISHED**

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

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**No. 06-7627**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

CURTIS LEE WATSON,

Defendant - Appellant.

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Appeal from the United States District Court for the Eastern
District of Virginia, at Alexandria. Leonie M. Brinkema, District
Judge. (1:88-cr-00201-JCC; 1:06-cv-00883-LMB)

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Submitted:  December 21, 2006        Decided:  January 5, 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Dismissed by unpublished per curiam opinion.

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Curtis Lee Watson, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Curtis Lee Watson seeks to appeal the district court's order construing his petition for Error Coram Nobis as a motion filed pursuant to 28 U.S.C. § 2255 (2000), and dismissing it for lack of jurisdiction as an unauthorized successive motion, as well as its order denying Watson's motion filed pursuant to Fed. R. Civ. P. 59(e).  An appeal may not be taken from the final order in a habeas corpus proceeding unless a circuit justice or judge issues a certificate of appealability.  28 U.S.C. § 2253(c)(1) (2000). When, as here, a district court dismisses a § 2255 motion solely on procedural grounds, a certificate of appealability will not issue unless the petitioner can demonstrate both "(1) 'that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right' and (2) 'that jurists of reason would find it debatable whether the district court was correct in its procedural ruling.'"  Rose v. Lee, 252 F.3d 676, 684 (4th Cir. 2001) (quoting Slack v. McDaniel, 529 U.S. 473, 484 (2000)).  We have independently reviewed the record and conclude that Watson has not made the requisite showing.  See Miller-El v. Cockrell, 537 U.S. 322, 336 (2003).

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.

                                                                    <u>DISMISSED</u>