

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 07-6469**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

CHRISTOPHER R. WOODBERRY,

Defendant - Appellant.

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Appeal from the United States District Court for the District of South Carolina, at Florence. Terry L. Wooten, District Judge. (4:02-cr-40; 4:05-cv-1440)

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Submitted: November 30, 2007

Decided: January 23, 2008

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Before KING, GREGORY, and SHEDD, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Christopher R. Woodberry, Appellant Pro Se. Rose Mary Parham, Assistant United States Attorney, Florence, South Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Christopher Raphael Woodberry 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 Woodberry has not made the requisite showing.\* Accordingly, we deny a certificate of appealability and dismiss the appeal. We also deny Woodberry's motion to expedite the appeal. We dispense with oral argument because the facts and legal contentions are adequately

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\*To the extent that the district court erred in finding that several of Woodberry's ineffective assistance claims were precluded because they were encompassed in our decision on direct appeal, we have reviewed these claims on the merits and conclude that no certificate of appealability is warranted. See generally United States v. King, 119 F.3d 290, 295 (4th Cir. 1997) (noting that ineffective assistance claims are not generally cognizable on direct appeal).

presented in the materials before the court and argument would not aid the decisional process.

DISMISSED