

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-6557

WARREN KUZON, a/k/a James Brown, a/k/a
Shortman,

Plaintiff - Appellant,

versus

UNITED STATES OF AMERICA,

Defendant - Appellee.

No. 07-6633

WARREN KUZON, a/k/a James Brown, a/k/a
Shortman,

Plaintiff - Appellant,

versus

UNITED STATES OF AMERICA,

Defendant - Appellee.

Appeals from the United States District Court for the District of
South Carolina, at Charleston. Patrick Michael Duffy, District
Judge. (2:00-cr-00765-PMD-1; 2:04-cv-01587-PMD)

Submitted: September 11, 2007

Decided: September 14, 2007

Before WILKINSON, MOTZ, and TRAXLER, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Warren Kuzon, Appellant Pro Se. Carlton R. Bourne, Jr., Assistant
United States Attorney, Charleston, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

In these consolidated appeals, Warren Kuzon seeks to appeal the district court's orders denying relief on his 28 U.S.C. § 2255 (2000) motion and subsequent Fed. R. Civ. P. 60(b) motion. To the extent Kuzon seeks to appeal the district court's order denying relief on his § 2255 motion, we dismiss the appeal for lack of jurisdiction because the notice of appeal was not timely filed and Kuzon failed to timely obtain a reopening of the appeal period. See Browder v. Dir., Dep't of Corr., 434 U.S. 257, 264 (1978); Fed. R. App. P. 4(a)(1)(B), (a)(6).

The order denying Kuzon's Rule 60(b) motion 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 his constitutional claims are debatable and that any dispositive procedural rulings by the district court are also debatable or wrong. See Miller-El v. Cockrell, 537 U.S. 322, 336 (2003); Slack v. McDaniel, 529 U.S. 473, 484 (2000); Reid v. Angelone, 369 F.3d 363, 371 (4th Cir. 2004); Rose v. Lee, 252 F.3d 676, 683 (4th Cir. 2001). We have independently reviewed the record and conclude that Kuzon 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