UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-7638

VINCENT L. SIMMONS,

Petitioner - Appellant,

v.

WARDEN TERRY O'BRIEN; UNITED STATES PAROLE COMMISSION,

Respondents - Appellees.

Appeal from the United States District Court for the Western District of Virginia, at Roanoke. Jackson L. Kiser, Senior District Judge. (7:07-cv-00193-jlk)

Submitted: February 21, 2008 Decided: February 27, 2008

Before MOTZ and GREGORY, Circuit Judges, and WILKINS, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Vincent L. Simmons, Appellant Pro Se. Thomas Linn Eckert, Assistant United States Attorney, Roanoke, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Vincent L. Simmons, a District of Columbia prisoner, seeks to appeal the district court's order denying relief on his 28 U.S.C. § 2241 (2000) petition. 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 Simmons 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

*Because Simmons was convicted in a District of Columbia court, he is required to obtain a certificate of appealability in order to appeal the denial of his § 2241 petition. See Madley v. United States Parole Comm'n, 278 F.3d 1306 (D.C. Cir. 2002).