

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-6108

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JOHN LENWOOD WRIGHT,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Claude M. Hilton, Senior District Judge. (1:02-cr-00539-CMH)

Submitted: February 28, 2008

Decided: May 1, 2008

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

Dismissed by unpublished per curiam opinion.

John Lenwood Wright, Appellant Pro Se. Kimberly Riley Pedersen, OFFICE OF THE UNITED STATES ATTORNEY, Alexandria, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

John Lenwood Wright seeks to appeal the district court's order denying relief on his motion seeking reconsideration of the denial of his 28 U.S.C. § 2255 (2000) motion. Because Wright's motion did not assert a defect in the collateral review process itself, but rather reargued the merits of his § 2255 motion based on new case law, the motion should have been characterized as a successive § 2255 motion under United States v. Winestock, 340 F.3d 200, 207 (4th Cir. 2003). Moreover, to appeal an order denying a motion seeking reconsideration in a habeas action, Wright must establish entitlement to a certificate of appealability. See Reid v. Angelone, 369 F.3d 363, 368-69 (4th Cir. 2004).

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, 336-38 (2003); Slack v. McDaniel, 529 U.S. 473, 484 (2000); Rose v. Lee, 252 F.3d 676, 683 (4th Cir. 2001). We have independently reviewed the record and conclude that Wright has not made the requisite showing. Accordingly, we deny a certificate of appealability and dismiss the appeal.

To the extent that Wright's notice of appeal and informal brief could be construed as a motion for authorization to file a successive § 2255 motion, we deny such authorization. See Winestock, 340 F.3d at 208. 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