UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-6184

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DANNY L. BLACKMON,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Wilmington. James C. Fox, Senior District Judge. (7:03-cr-00077-F-1; 7:07-cv-00126-F)

Submitted: April 18, 2008   Decided: April 24, 2008

Before WILKINSON and KING, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Danny L. Blackmon, Appellant Pro Se. George Edward Bell Holding, United States Attorney. Anne Margaret Hayes, Assistant United States Attorney, Raleigh, North Carolina; Alan Fitzgerald Williams, Major, OFFICE OF THE STAFF JUDGE ADVOCATE, Camp Lejeune, North Carolina, for Appellee.

PER CURIAM:

Danny L. Blackmon seeks to appeal the district court's judgment denying relief on his 28 U.S.C. § 2255 (2000) motion. The judgment 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 Blackmon has not made the requisite showing. Accordingly, we deny a certificate of appealability, deny leave to proceed in forma pauperis, 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