

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-7230

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ROBERT EDWARD SILLS, a/k/a Bobby,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Norfolk. Jerome B. Friedman, District Judge. (2:03-cr-00148-JBF-5; 2:06-cv-00696-JBF)

Submitted: October 20, 2008

Decided: November 13, 2008

Before MICHAEL and SHEDD, Circuit Judges, and HAMILTON, Senior Circuit Judge

Dismissed by unpublished per curiam opinion.

Robert Edward Sills, Appellant Pro Se. Laura Marie Everhart, Assistant United States Attorney, Norfolk, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Robert Edward Sills seeks to appeal the district court's order accepting the recommendation of the magistrate judge and 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 Sills has not made the requisite showing. Accordingly, we deny a certificate of appealability and dismiss the appeal. We also deny Sills' motion to consolidate his case with another of his appeals and to place the case in abeyance and stay the mandate pending information requested under the Freedom of Information Act. 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