UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-7036

UNITED STATES OF AMERICA,

            Plaintiff - Appellee,

      v.

THEODORE GLADYSZ,

            Defendant - Appellant.

Appeal from the United States District Court for the Northern District of West Virginia, at Clarksburg.   Irene M. Keeley, District Judge. (1:06-cr-00090-IMK-JSK-2)

Submitted: November 19, 2009   Decided: December 2, 2009

Before MOTZ, GREGORY, and SHEDD, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Theodore Gladysz, Appellant Pro Se.   Shawn Angus Morgan, Assistant United States Attorney, Clarksburg, West Virginia, for Appellee.

PER CURIAM:

Theodore Gladysz seeks to appeal the district court's order treating his motion for recusal as a successive 28 U.S.C.A. § 2255 (West Supp. 2009) motion, and dismissing it on that basis. The order is not appealable unless a circuit justice or judge issues a certificate of appealability. 28 U.S.C. § 2253(c)(1) (2006); Reid v. Angelone, 369 F.3d 363, 369 (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) (2006). 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 Gladysz has not made the requisite showing. Accordingly, we deny Gladysz's motion for appointment of counsel, 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