UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-7710

UNITED STATES OF AMERICA,

                Plaintiff - Appellee,

     v.

JOHNNIE L. REED,

                Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Norfolk. Robert G. Doumar, Senior District Judge. (2:08-cr-00023-RGD-FBS-1; 2:09-cv-00059-RGD)

Submitted: December 15, 2009   Decided: December 21, 2009

Before MICHAEL and DUNCAN, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Johnnie L. Reed, Appellant Pro Se. D. Monique Broadnax, Special Assistant United States Attorney, Norfolk, Virginia, for Appellee.

PER CURIAM:

Johnnie L. Reed seeks to appeal the district court's order denying relief on his 28 U.S.C. § 2255 (West Supp. 2009) motion. The order is not appealable unless a circuit justice or judge issues a certificate of appealability. See 28 U.S.C. § 2253(c)(1) (2006). 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. 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, 683-84 (4th Cir. 2001). We have independently reviewed the record and conclude that Reed 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

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[*] To the extent Reed seeks to raise issues for the first time on appeal, we decline to consider such claims. See Muth v. United States, 1 F.3d 246, 250 (4th Cir. 1993).

contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

<div align="right">DISMISSED</div>