

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 10-6322

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

KEYSTON JAMORY WEST, a/k/a D, a/k/a Alonzo Green, a/k/a D-
Man,

Defendant - Appellant.

No. 11-6400

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

KEYSTON JAMORY WEST, a/k/a D, a/k/a Alonzo Green, a/k/a D-
Man,

Defendant - Appellant.

Appeals from the United States District Court for the Northern
District of West Virginia, at Martinsburg. John Preston Bailey,
Chief District Judge. (3:00-cr-00006-JPB-JES-2; 3:00-cr-00046-
JPB-JES-2; 3:05-cv-00103-JPB-JES)

Submitted: August 30, 2011

Decided: September 9, 2011

Before NIEMEYER, SHEDD, and DAVIS, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Keyston Jamory West, Appellant Pro Se. Thomas Oliver Mucklow, Assistant United States Attorney, Martinsburg, West Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

In No. 10-6322, Keyston Jamory West seeks to appeal the district court's orders (1) accepting the recommendation of the magistrate judge and denying relief on his 28 U.S.C.A. § 2255 (West Supp. 2011) motion; and (2) denying his motion for reconsideration. The orders are not appealable unless a circuit justice or judge issues a certificate of appealability. 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). When the district court denies relief on the merits, a prisoner satisfies this standard by demonstrating that reasonable jurists would find that the district court's assessment of the constitutional claims is debatable or wrong. Slack v. McDaniel, 529 U.S. 473, 484 (2000); see Miller-El v. Cockrell, 537 U.S. 322, 336-38 (2003). When the district court denies relief on procedural grounds, the prisoner must demonstrate both that the dispositive procedural ruling is debatable, and that the motion states a debatable claim of the denial of a constitutional right. Slack, 529 U.S. at 484-85. We have independently reviewed the record and conclude that West has not made the requisite showing. Accordingly, we deny a certificate of appealability and dismiss the appeal.

In. No. 11-6400, West seeks to appeal the district court's order denying his motion for a certificate of appealability with respect to his § 2255 motion. We conclude, in light of our disposition in No. 10-6322, that the appeal is moot. Accordingly, we 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