

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 10-7035

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

PAMELA YVETTE HOFFLER-RIDDICK,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Norfolk. Mark S. Davis, District Judge. (4:05-cr-00009-WDK-JEB-13; 4:08-cv-00135-MSD)

Submitted: December 15, 2010

Decided: January 11, 2011

Before KING, SHEDD, and KEENAN, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Pamela Yvette Hoffler-Riddick, Appellant Pro Se. Eric Matthew Hurt, Lisa Rae McKeel, Howard Jacob Zlotnick, Assistant United States Attorneys, Newport News, Virginia; Blair C. Perez, OFFICE OF THE UNITED STATES ATTORNEY, Norfolk, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Pamela Hoffler-Riddick seeks to appeal the district court's order denying relief on her 28 U.S.C.A. § 2255 (West Supp. 2010) motion. The order is 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 Hoffler-Riddick 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 also deny her motion for bail pending 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