

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 10-7065

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JAMES NIBLOCK,

Defendant - Appellant.

No. 10-7066

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JAMES NIBLOCK,

Defendant - Appellant.

Appeals from the United States District Court for the Eastern District of Virginia, at Alexandria. Gerald Bruce Lee, District Judge. (1:02-cr-00568-GBL-1; 1:10-cv-00529-GBL).

Submitted: January 18, 2011

Decided: January 26, 2011

Before NIEMEYER, DUNCAN, and AGEE, Circuit Judges.

Dismissed by unpublished per curiam opinion.

James Niblock, Appellant Pro Se. Dana James Boente, Assistant
United States Attorney, Alexandria, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

James Niblock seeks to appeal the district court's order denying his motions (1) to expedite a ruling on his motion to alter or amend the judgment; (2) to dismiss as moot; (3) to vacate, set aside, or correct his sentence; and (4) to enforce the plea agreement by specific performance. The court ruled that these were all attempts to file successive 28 U.S.C.A. § 2255 (West Supp. 2010) motions without authorization from the court of appeals.

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 Niblock has not made the requisite showing. Accordingly, we deny Niblock's motion to supplement the record, deny his motion for a certificate of appealability, and dismiss the appeals. 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