UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 11-6009

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ANTONIO STEWART,

Defendant - Appellant.

Appeal from the United States District Court for the District of
Maryland, at Baltimore. J. Frederick Motz, Senior District
Judge. (1:04-cr-00377-JFM-1; 1:10-cv-02039-JFM)

Submitted: March 31, 2011   Decided: April 6, 2011

Before NIEMEYER, SHEDD, and AGEE, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Antonio Stewart, Appellant Pro Se. John Francis Purcell, Jr.,
Assistant United States Attorney, Baltimore, Maryland, for
Appellee.

PER CURIAM:

Antonio Stewart seeks to appeal the district court's order denying relief on his 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 Stewart has not made the requisite showing. Accordingly, we deny Stewart's motion for 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.

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