

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 11-7357

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

KAMAL MAJEID WEBB,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. James C. Fox, Senior District Judge. (5:04-cr-00294-F-1; 5:08-cv-00154-F)

Submitted: April 2, 2012

Decided: April 11, 2012

Before MOTZ and SHEDD, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Kamal Majeid Webb, Appellant Pro Se. Jane J. Jackson, Steve R. Matheny, Rudolf A. Renfer, Jr., Assistant United States Attorneys, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Kamal Majeid Webb seeks to appeal the district court's orders denying his motions under Fed. R. Civ. P. 60(b) and Fed. R. Civ. P. 59(e). These orders, which derive from the denial of his 28 U.S.C.A. § 2255 (West Supp. 2011) motion, are not appealable unless a circuit justice or judge issues a certificate of appealability. See 28 U.S.C. § 2253(c)(1)(B) (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 Webb has not made the requisite showing. Accordingly, although we grant Webb's motion to amend his motion for a certificate of appealability, we deny the motion for a

certificate of appealability, as amended, 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