

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 12-7293

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

CHARLETTE DUFRAJ JOHNSON, a/k/a Charlotte Johnson,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Wilmington. W. Earl Britt, Senior District Judge. (7:10-cr-00093-BR-1; 7:12-cv-00209-BR)

Submitted: September 21, 2012

Decided: October 12, 2012

Before WILKINSON, GREGORY, and AGEE, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Charlette Dufray Johnson, Appellant Pro Se. Jennifer P. May-Parker, Assistant United States Attorney, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Charlette Dufray Johnson seeks to appeal the district court's order dismissing without prejudice her 28 U.S.C.A. § 2255 (West Supp. 2012) motion. The order is not appealable unless a circuit justice or judge issues a certificate of appealability. 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). We have independently reviewed the record and conclude that Johnson has not made the requisite showing. 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

* Because Johnson's § 2255 motion was dismissed without prejudice as premature, she is not precluded from filing a timely § 2255 motion after her convictions and sentence become final.