

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

**No. 12-7503**

---

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ALBERT EDGERTON,

Defendant - Appellant.

---

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. W. Earl Britt, Senior District Judge. (5:08-cr-00271-BR-1; 5:12-cv-00198-BR)

---

Submitted: January 22, 2013

Decided: January 24, 2013

---

Before WILKINSON, NIEMEYER, and THACKER, Circuit Judges.

---

Dismissed by unpublished per curiam opinion.

---

Albert Edgerton, Appellant Pro Se. Edward D. Gray, Stephen Aubrey West, Assistant United States Attorneys, Denise Walker, OFFICE OF THE UNITED STATES ATTORNEY, Raleigh, North Carolina, for Appellee.

---

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Albert Edgerton seeks to appeal the district court's orders denying relief on his 28 U.S.C.A. § 2255 (West Supp. 2012) motion, denying his Fed. R. Civ. P. 60(b) motion, and denying a certificate of appealability. The orders are 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) (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 Edgerton 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 this court and argument would not aid the decisional process.

DISMISSED