

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 12-7861

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JERRELL S. CASEY, a/k/a Jerrell Casey, a/k/a Rell,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. James R. Spencer; John A. Gibney, Jr., District Judges. (3:09-cr-00282-JRS-1)

Submitted: March 11, 2013

Decided: March 14, 2013

Before DAVIS and WYNN, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Jeremy Brian Gordon, GORDON ALVAREZ, Waxahachie, Texas, for Appellant. Peter Sinclair Duffey, Gurney Wingate Grant, II, Assistant United States Attorneys, Richmond, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Jerrell S. Casey seeks to appeal the district court's orders dismissing his 28 U.S.C.A. § 2255 (West Supp. 2012) motion as successive and denying reconsideration. 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 Casey has not made the requisite showing. Cf. United States v. Winestock, 340 F.3d 200 (4th Cir. 2003). Accordingly, we deny his 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 this court and argument would not aid the decisional process.

DISMISSED