UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 12-8018

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

EDWARD DANE JEFFUS,

Defendant - Appellant.

Appeal from the United States District Court for the Middle District of North Carolina, at Greensboro. N. Carlton Tilley, Jr., Senior District Judge. (6:92-cr-00184-NCT-2; 1:11-cv-00326-NCT-JEP)

Submitted: February 21, 2013 Decided: February 26, 2013

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

Dismissed by unpublished per curiam opinion.

Edward Dane Jeffus, Appellant Pro Se. Angela Hewlett Miller, Assistant United States Attorney, Greensboro, North Carolina; Paul Alexander Weinman, OFFICE OF THE UNITED STATES ATTORNEY, Winston-Salem, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Edward Dane Jeffus seeks to appeal the district court's orders: (1) accepting the recommendation of the magistrate judge and denying Jeffus' "Motion for Relief from Judgment and Specific Performance/Enforcement of Plea Agreement and/or Independent Action in Equity" and his "Complaint for Independent Action in Equity" in part and denying these motions in part as successive 28 U.S.C.A. § 2255 (West Supp. 2012) motions, and denying his "Motion for Summary Judgment" and "Motion for a Ruling on Motion to Suppress and/or Review on the Issue Preserved;" and (2) denying his motion to alter or amend judgment pursuant to Fed. R. Civ. P. 59(e).

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 Jeffus has not made the requisite showing. Accordingly, we deny Jeffus' motion for appointment of counsel, deny his motion for a certificate of appealability, and dismiss the appeal. We also deny his pending motion to compel the U.S. Attorney to file a response and to supplement the record. 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