

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 12-8068

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

IAN ANDRE PERSAUD, a/k/a Baby Face Persaud, a/k/a Mark Persaud,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of North Carolina, at Charlotte. Frank D. Whitney, District Judge. (3:01-cr-00036-FDW-7; 3:12-cv-00509-FDW)

Submitted: March 27, 2013

Decided: April 2, 2013

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

Dismissed in part and affirmed in part by unpublished per curiam opinion.

Christopher Cary Fialko, RUDOLF, WIDENHOUSE & FIALKO, PA, Charlotte, North Carolina, for Appellant. Amy Elizabeth Ray, Assistant United States Attorney, Asheville, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Ian Andre Persaud, a federal prisoner, seeks to appeal the district court's order dismissing in part and denying in part his petition for a writ of habeas corpus. In the petition, Persaud asserted he was entitled to relief under 28 U.S.C.A. § 2255 (West Supp. 2012), and alternatively, under 28 U.S.C.A. § 2241 (West 2006 & Supp. 2012) and for a writ of error coram nobis pursuant to 28 U.S.C. § 1651 (2006). The district court dismissed Persaud's § 2255 motion as successive and denied his alternate claims. We dismiss in part and affirm in part.

To the extent that Persaud seeks to appeal the district court's dismissal of his § 2255 motion as successive, we conclude that he has failed to make the requisite showing for a certificate of appealability. See 28 U.S.C. § 2253(c)(1)(B) (2006); Miller-El v. Cockrell, 537 U.S. 322, 336-38 (2003); Slack v. McDaniel, 529 U.S. 473, 484-85 (2000); United States v. Winestock, 340 F.3d 200, 205-06 (4th Cir. 2003). Accordingly, we deny a certificate of appealability and dismiss this portion of the appeal. To the extent that Persaud appeals the district court's denial of his alternate claims, we have reviewed the record and find no reversible error. Accordingly, we affirm the denial for the reasons stated by the district court. See United States v. Persaud, No. 3:12-cv-00509-FDW (W.D.N.C. Nov. 26, 2012). 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 IN PART;
AFFIRMED IN PART