

FILED: September 13, 2013

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-237

In re: DAVID M. KISSI,

Petitioner.

No. 13-6879

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DAVID M. KISSI,

Defendant - Appellant.

O R D E R

The Court amends its opinion filed today, as follows:

"September 13, 2013," is added to the cover sheet as
the "Decided" date.

For the Court - By Direction

/s/ Patricia S. Connor
Clerk

UNPUBLISHED

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DAVID M. KISSI,

Defendant - Appellant.

Appeals from the United States District Court for the District of Maryland, at Greenbelt. Alexander Williams, Jr., District Judge. (8:05-cr-00254-AW-1; 8:12-cv-01944-AW)

Submitted: August 28, 2013

Decided: September 13, 2013

Before GREGORY, SHEDD, and DUNCAN, Circuit Judges.

Dismissed by unpublished per curiam opinion.

David M. Kissi, Appellant Pro Se. Jonathan Biran, BIRAN KELLY LLC, Baltimore, Maryland; Kristi Noel O'Malley, OFFICE OF THE UNITED STATES ATTORNEY, Greenbelt, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

In these consolidated appeals, David M. Kissi seeks to appeal the district court's orders denying relief on his 28 U.S.C.A. § 2255 (West Supp. 2013) motion and his motion for 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 Kissi has not made the requisite showing. Accordingly, we deny a certificate of appealability and dismiss the appeals. We deny Kissi's motion for bail or release pending appeal as we find he has not presented a substantial question of law or fact justifying his release. See United States v. Steinhorn, 927

F.2d 195, 196 (4th Cir. 1991). We also grant Kissi's motions to supplement his informal brief and to accept pro se briefs, deny as unnecessary his motion for permission to file these appeals, and deny his motion to appoint counsel. 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