

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-6575

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ABDULLAH RASOOL SHAKOOR,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Wilmington. Terrence W. Boyle, District Judge. (7:97-cr-00064-BO-1; 7:07-cv-00069-BO)

Submitted: July 17, 2013

Decided: July 18, 2013

Before WILKINSON, SHEDD, and DAVIS, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Abdullah Rasool Shakoor, Appellant Pro Se. Jennifer P. May-Parker, Assistant United States Attorney, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Abdullah Rasool Shakoor seeks to appeal the district court's order denying his motion for reconsideration* of the court's order dismissing his 28 U.S.C.A. § 2255 (West Supp. 2013) motion. The order is 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). 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 note that the motion was a Fed. R. Civ. P. 60(b) motion to reconsider, not a second or successive § 2255 motion. Gonzalez v. Crosby, 545 U.S. 524, 530-32 (2005); United States v. Winestock, 340 F.3d 200, 206-08 (4th Cir. 2003).

We have independently reviewed the record and conclude that Shakoor has not made the requisite showing. Accordingly, we deny Shakoor's 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