UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

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No. 13-6651

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UNITED STATES OF AMERICA,

                Plaintiff - Appellee,

     v.

JONATHAN JIMENEZ,

                Defendant - Appellant.

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Appeal from the United States District Court for the Western District of Virginia, at Harrisonburg. Samuel G. Wilson, District Judge. (5:01-cr-30058-SGW-6; 5:13-cv-80564-SGW-RSB)

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Submitted: August 22, 2013   Decided: August 27, 2013

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Before MOTZ, DIAZ, and FLOYD, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Jonathan Jimenez, Appellant Pro Se. Jeb Thomas Terrien, Assistant United States Attorney, Harrisonburg, Virginia, for Appellee.

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PER CURIAM:

Jonathan Jimenez seeks to appeal the district court's order dismissing as successive 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) (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 Jimenez has not made the requisite showing. Accordingly, we deny 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.

                                              <u>DISMISSED</u>