

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-7366

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

AMRIK SING MELHI,

Defendant - Appellant.

Appeal from the United States District Court for the District of Maryland, at Greenbelt. Peter J. Messitte, Senior District Judge. (8:10-cr-00637-PJM-2; 8:12-cv-03158-PJM)

Submitted: January 16, 2014

Decided: February 12, 2014

Before SHEDD, DAVIS, and WYNN, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Amrik Sing Melhi, Appellant Pro Se. Albert David Copperthite, Assistant United States Attorney, Baltimore, Maryland; James Andrew Crowell, IV, Sujit Raman, Christen Anne Sproule, Assistant United States Attorneys, Greenbelt, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Amrik Sing Melhi seeks to appeal the district court's order denying relief on his 28 U.S.C. § 2255 (2012) 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) (2012). 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) (2012). 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 Melhi has not made the requisite showing.* Accordingly, we

* Although we conclude that the district court erred in treating Melhi's motion to amend as an unauthorized, successive § 2255 motion, Melhi has failed to make a substantial showing of the denial of a constitutional right on the grounds raised therein.

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.

DISMISSED