

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-7777

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JEFFREY LEWIS MUSGROVE, a/k/a Fats,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Liam O'Grady, District Judge. (1:10-cr-00080-LO-1; 1:11-cv-00789-LO)

Submitted: May 8, 2014

Decided: June 6, 2014

Before GREGORY, AGEE, and WYNN, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Jeffrey Lewis Musgrove, Appellant Pro Se. Kimberly Riley Pedersen, Assistant United States Attorney, Alexandria, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Jeffrey Lewis Musgrove appealed the district court's order denying relief on his 28 U.S.C. § 2255 (2012) motion. We granted a certificate of appealability and the Government's unopposed motion to remand. After an evidentiary hearing on the claims for which the certificate was granted, the district court denied relief. Musgrove appeals the court's order on remand denying § 2255 relief.

The order entered on remand 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).

We have independently reviewed the record and conclude that Musgrove has not made the requisite showing. Accordingly, we deny a certificate of appealability and dismiss the appeal. We deny Musgrove's motion to appoint counsel and 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