

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 14-7276

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

RICO JARUIASE JOY,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Florence. Terry L. Wooten, Chief District Judge. (4:06-cr-01317-TLW-6; 4:14-cv-02187-TLW)

Submitted: October 16, 2014

Decided: October 22, 2014

Before MOTZ, WYNN, and THACKER, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Rico Jaruiase Joy, Appellant Pro Se. Robert Frank Daley, Jr., Assistant United States Attorney, Columbia, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Rico Jaruiase Joy 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 Joy has not made the requisite showing. The district court lacked jurisdiction to consider Joy's motion to vacate because it was a successive and unauthorized § 2255 motion. In the absence of pre-filing authorization from this court, the district court lacks jurisdiction to hear a successive § 2255

motion. See 28 U.S.C. § 2244(b)(3) (2012). 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.

DISMISSED