

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 14-7303

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

WINNIE JOANNE BAREFOOT, a/k/a Winnie Jo Budzina, a/k/a
Winnie JoAnne Conn, a/k/a Joanne Knopsnyder, a/k/a Olivia
JoAnne Morgan, a/k/a Olivia JoAnne Barefoot Morgan,

Defendant - Appellant.

Appeal from the United States District Court for the District of
Maryland, at Baltimore. Marvin J. Garbis, Senior District
Judge. (1:10-cr-00460-MJG-1)

Submitted: November 18, 2014

Decided: November 21, 2014

Before NIEMEYER, MOTZ, and GREGORY, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Winnie Joanne Barefoot, Appellant Pro Se. Paul Michael
Cunningham, Assistant United States Attorney, Baltimore,
Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Winnie Joanne Barefoot seeks to appeal the district court's orders denying relief on her 28 U.S.C. § 2255 (2012) motion, her motions for reconsideration, and her motion for a certificate of appealability. The orders are not appealable unless a circuit justice or judge issues a certificate of appealability. 28 U.S.C. § 2253(c)(1)(B) (2012); see Jones v. Braxton, 392 F.3d 683, 688 (4th Cir. 2004); Reid v. Angelone, 369 F.3d 363, 369 (4th Cir. 2004). 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 Barefoot has not made the requisite showing. Barefoot's challenge to the propriety of the district court's ruling on the

issue of its own disqualification is meritless. United States v. Balistrieri, 779 F.2d 1191, 1202-03 (7th Cir. 1985). Her claim of ineffective assistance of counsel fails because she essentially challenges only the district court's credibility determination, which is not reviewable on appeal. See United States v. Nicholson, 611 F.3d 191, 208 (4th Cir. 2010).

Accordingly, we deny a certificate of appealability, deny Barefoot's motion to appoint counsel, 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