

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 14-7636

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

LARRY LAVONNE BERRY,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. Louise W. Flanagan, District Judge. (5:08-cr-00247-FL-1; 5:12-cv-00732-FL; 5:10-cv-00227-FL)

Submitted: March 17, 2015

Decided: March 20, 2015

Before WILKINSON and KING, Circuit Judges, and DAVIS, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Larry Lavonne Berry, Appellant Pro Se. Edward D. Gray, Jennifer P. May-Parker, Assistant United States Attorneys, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Larry Lavonne Berry seeks to appeal the district court's order accepting the magistrate judge's recommendation to deny 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.

Limiting our review to the issues raised in Berry's objections to the magistrate judge's report and recommendation and his informal brief, see Wright v. Collins, 766 F.2d 841, 845-46 (4th Cir. 1985); 4th Cir. R. 34(b), we conclude that Berry 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.

DISMISSED