

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 15-6723

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ALAN B. FABIAN,

Defendant - Appellant.

Appeal from the United States District Court for the District of Maryland, at Baltimore. Catherine C. Blake, Chief District Judge. (1:07-cr-00355-CCB-1; 1:09-cv-02810-CCB)

Submitted: September 29, 2015

Decided: October 2, 2015

Before KING, SHEDD, and WYNN, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Alan B. Fabian, Appellant Pro Se. Martin Joseph Clarke, Assistant United States Attorney, Baltimore, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Alan B. Fabian appeals from the district court's orders denying his motions for relief pursuant to Fed. R. Civ. P. 60, for appointment of counsel, for recusal of the United States Attorney's Office, for sanctions pursuant to Fed. R. Civ. P. 11(c), for summary judgment, and for reconsideration of the above orders pursuant to Fed. R. Civ. P. 59(e). The district court's orders are 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 Fabian 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