

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-6257

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DAREN KAREEM GADSDEN, a/k/a D,

Defendant - Appellant.

Appeal from the United States District Court for the District of Maryland, at Baltimore. Catherine C. Blake, Chief District Judge. (1:11-cr-00302-CCB-3; 1:15-cv-01965-CCB)

Submitted: May 26, 2016

Decided: June 1, 2016

Before TRAXLER, Chief Judge, and NIEMEYER and FLOYD, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Daren Kareem Gadsden, Appellant Pro Se. Sujit Raman, Assistant United States Attorney, Greenbelt, Maryland, Rod J. Rosenstein, United States Attorney, Baltimore, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Daren Kareem Gadsden seeks to appeal the district court's order denying relief on his 28 U.S.C. § 2255 (2012) motion and he has filed a motion to disqualify the United States Attorney, as well as a self-styled "writ of error[.]" The district court's 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 Gadsden has not made the requisite showing. Accordingly, we deny Gadsden's motion to disqualify the United States Attorney, deny his writ of error, 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