UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

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No. 16-6966

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UNITED STATES OF AMERICA,

              Plaintiff - Appellee,

       v.

GILBERTO RAMOS,

              Defendant - Appellant.

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Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Gerald Bruce Lee, District Judge. (1:12-cr-00224-GBL-1; 1:15-cv-01556-GBL)

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Submitted: October 18, 2016   Decided: October 21, 2016

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Before WILKINSON, KING, and FLOYD, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Gilberto Ramos, Appellant Pro Se.   Dana James Boente, Acting United States Attorney, Alexandria, Virginia, for Appellee.

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PER CURIAM:

Gilberto Ramos 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 Ramos 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.

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<u>DISMISSED</u>
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