

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

**No. 17-6817**

---

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

RICKY MCKINLEY INGRAM,

Defendant - Appellant.

---

Appeal from the United States District Court for the Middle District of North Carolina, at Greensboro. James A. Beaty, Jr., Senior District Judge. (1:06-cr-00460-JAB-1; 1:12-cv-00400-JAB-JEP)

---

Submitted: November 16, 2017

Decided: November 20, 2017

---

Before GREGORY, Chief Judge, and TRAXLER and KEENAN, Circuit Judges.

---

Dismissed by unpublished per curiam opinion.

---

Ricky McKinley Ingram, Appellant Pro Se. Robert Michael Hamilton, Angela Hewlett Miller, Kyle David Pousson, Assistant United States Attorneys, Greensboro, North Carolina, for Appellee.

---

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Ricky McKinley Ingram seeks to appeal the district court's order accepting the recommendation of the magistrate judge and dismissing Ingram's 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 Ingram has not made the requisite showing. Accordingly, we deny a certificate of appealability and dismiss the appeal without prejudice to Ingram's right to file in this court on the proper forms a motion for authorization to file a second or successive § 2255 motion. 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*