

UNPUBLISHED

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

No. 18-6093

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ALFREDO ARNOLDO GALLARDO, a/k/a Alfredo Arredondo Gallardo, a/k/a
Alfredo A. Gallardo, a/k/a Alfredo Arnoldo Gomez, a/k/a Alfredo Arnoldo
Gomez-Gallardo, a/k/a Nelson Edugenio Eguizabal,

Defendant - Appellant.

Appeal from the United States District Court for the Middle District of North Carolina, at
Greensboro. Loretta C. Biggs, District Judge. (1:15-cr-00288-LCB-1; 1:16-cv-00974-
LCB-LPA)

Submitted: June 19, 2018

Decided: July 17, 2018

Before TRAXLER and HARRIS, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Alfredo Arnoldo Gallardo, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Alfredo Arnoldo Gallardo seeks to appeal the district court's order accepting the recommendation of the magistrate judge and 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 Gallardo has not made the requisite showing. Accordingly, we deny a certificate of appealability and dismiss the appeal. We deny Gallardo's motion to appoint counsel and 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