UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 22-6212

UNITED STATES OF AMERICA,

              Plaintiff - Appellee,

     v.

GABRIEL ATEH OPATA,

              Defendant - Appellant.

Appeal from the United States District Court for the Middle District of North Carolina, at Greensboro. Catherine C. Eagles, District Judge. (1:16-cr-00177-CCE-1; 1:18-cv-00689-CCE-JEP)

Submitted: September 30, 2022   Decided: November 9, 2022

Before AGEE and RICHARDSON, Circuit Judges, and MOTZ, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Gabriel Ateh Opata, Appellant Pro Se.

PER CURIAM:

Gabriel Ateh Opata seeks to appeal the district court's order accepting the recommendation of the magistrate judge and denying relief on Opata's 28 U.S.C. § 2255 motion, as amended. The order is not appealable unless a circuit justice or judge issues a certificate of appealability. *See* 28 U.S.C. § 2253(c)(1)(B). 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). When the district court denies relief on the merits, a prisoner satisfies this standard by demonstrating that reasonable jurists could find the district court's assessment of the constitutional claims debatable or wrong. *See Buck v. Davis*, 137 S. Ct. 759, 773-74 (2017). 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. *Gonzalez v. Thaler*, 565 U.S. 134, 140-41 (2012) (citing *Slack v. McDaniel*, 529 U.S. 473, 484 (2000)).

We have independently reviewed the record and conclude that Opata has not made the requisite showing. Accordingly, we deny Opata's motion for a certificate of appealability and for appointment of counsel 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