

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 11-6224

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JEFFREY TARRATS, a/k/a Skip, a/k/a Ozzy,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Norfolk. Raymond A. Jackson, District Judge. (2:04-cr-00016-RAJ-JEB-7; 2:06-cv-00592-RAJ)

Submitted: June 3, 2011

Decided: June 16, 2011

Before WILKINSON and KING, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Jeffrey Tarrats, Appellant Pro Se. Darryl James Mitchell, Assistant United States Attorney, Norfolk, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Jeffrey Tarrats seeks to appeal the district court's orders denying his motions under Fed. R. Civ. P. 59(e) and Fed. R. Civ. P. 60(b) for reconsideration of the district court's order denying relief on his 28 U.S.C.A. § 2255 (West Supp. 2010) motion. The orders are not appealable unless a circuit justice or judge issues a certificate of appealability. 28 U.S.C. § 2253(c)(1)(B) (2006). 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) (2006). 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 Tarrats has not made the requisite showing. See United States v. Linder, 552 F.3d 391, 396-97 (4th Cir. 2009). Accordingly, we deny a certificate of appealability, deny leave to proceed in forma pauperis, deny the motion 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 the court and argument would not aid the decisional process.

DISMISSED