

UNPUBLISHEDUNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-7039

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DAVID ISAAC PARKER, a/k/a David Green, a/k/a David Smith,
a/k/a Jay Smith, a/k/a David Isaac Parker-El,

Defendant - Appellant.

Appeal from the United States District Court for the District of
Maryland, at Greenbelt. J. Frederick Motz, Senior District Judge.
(8:11-cr-00459-JFM-1; 1:16-cv-00402-JFM)

Submitted: January 5, 2017

Decided: January 17, 2017

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

Dismissed by unpublished per curiam opinion.

David Isaac Parker, Appellant Pro Se. Deborah A. Johnston,
Assistant United States Attorney, Greenbelt, Maryland; Paul Nitze,
OFFICE OF THE UNITED STATES ATTORNEY, Baltimore, Maryland; Rachel
E. Timm, OFFICE OF THE UNITED STATES ATTORNEY, Newport News,
Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

David Isaac Parker seeks to appeal from the district court's order denying his 28 U.S.C. § 2255 (2012) motion as untimely. 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 Parker 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.

DISMISSED