

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-7426

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ROSARIO A. FIORANI, JR.,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. James C. Cacheris, Senior District Judge. (1:98-cr-00340-JCC)

Submitted: February 28, 2008

Decided: March 6, 2008

Before WILKINSON, NIEMEYER, and MICHAEL, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Rosario A. Fiorani, Jr., Appellant Pro Se. G. David Hackney, Assistant United States Attorney, Alexandria, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Rosario A. Fiorani, Jr., seeks to appeal the district court's order construing his "Motion for Reversal of Unconstitutional Conviction on Supreme Court's Ruling in re: Gonzalez-Lopez and Ineffective Assistance of Counsel and Violations of Sixth Amendment Rights" as a 28 U.S.C. § 2255 (2000) motion or, alternatively, as a petition for writ of coram nobis, and denying relief. The order is not appealable unless a circuit justice or judge issues a certificate of appealability. 28 U.S.C. § 2253(c)(1) (2000). 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) (2000). A prisoner satisfies this standard by demonstrating that reasonable jurists would find that any assessment of the constitutional claims by the district court is debatable or wrong and that any dispositive procedural ruling by the district court is likewise debatable. Miller-El v. Cockrell, 537 U.S. 322, 336-38 (2003); Slack v. McDaniel, 529 U.S. 473, 484 (2000); Rose v. Lee, 252 F.3d 676, 683-84 (4th Cir. 2001). We have independently reviewed the record and conclude that Fiorani 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

*To the extent the district court construed Fiorani's motion as a petition for writ of coram nobis, we find no reversible error and affirm the denial of relief.

presented in the materials before the court and argument would not aid the decisional process.

DISMISSED