

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 10-7553

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

WILLIAM L. HANDY, JR., a/k/a B,

Defendant - Appellant.

No. 10-7554

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

WILLIAM L. HANDY, JR., a/k/a B,

Defendant - Appellant.

Appeals from the United States District Court for the District of Maryland, at Greenbelt. Alexander Williams, Jr., District Judge. (8:04-cr-00559-AW-7; 8:09-cv-02011-AW)

Submitted: March 14, 2011

Decided: March 24, 2011

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

Dismissed by unpublished per curiam opinion.

William L. Handy, Jr., Appellant Pro Se. Sandra Wilkinson,
Assistant United States Attorney, Baltimore, Maryland, for
Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

William Handy, Jr., seeks to appeal the district court's orders denying relief on his 28 U.S.C.A. § 2255 (West Supp. 2010) motion and his Fed. R. Civ. P. 59(e) ("Rule 59(e)") motion for reconsideration, as well as its correspondence returning Handy's motion to recuse the district court judge because the motion was received after his case was closed.

An order dismissing a motion under § 2255 is not appealable unless a circuit justice or judge issues a certificate of appealability. 28 U.S.C. § 2253(c)(1) (2006). The same is true as to an attempt to appeal an order denying reconsideration of an order denying § 2255 relief. See Reid v. Angelone, 369 F.3d 363, 369 (4th Cir. 2004). 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 Handy has not made the requisite showing. Accordingly, we deny a certificate of appealability and dismiss appeal number 10-7554. We also dismiss Handy's appeal in number 10-7553 from the district court's correspondence returning his late motion to recuse. A letter is not an appealable judgment or order, see Fed. R. App. P. 3(a), 4(a), and in any event, Handy has not made a showing of extra judicial bias in this case.

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