

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 11-6528

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JOESTILLES DEMARCO BROOKS, a/k/a Rock,

Defendant - Appellant.

No. 11-6738

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JOESTILLES DEMARCO BROOKS, a/k/a Rock,

Defendant - Appellant.

Appeals from the United States District Court for the Southern District of West Virginia, at Huntington. Robert C. Chambers, District Judge. (3:02-cr-00092-1; 3:05-cv-00163)

Submitted: October 27, 2011

Decided: November 3, 2011

Before WILKINSON, DAVIS, and WYNN, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Joestilles DeMarco Brooks, Appellant Pro Se. Miller A. Bushong, III, OFFICE OF THE UNITED STATES ATTORNEY, Beckley, West Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

In these consolidated appeals, Joestilles DeMarco Brooks seeks to appeal the district court's order dismissing Brooks' petition under 28 U.S.C.A. § 2255 (West Supp. 2011) and denying his motion under Fed. R. Civ. P. 60(b).

These orders are not appealable absent a certificate of appealability issued by the district court or a circuit judge. 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 Brooks has not made the requisite showing as to either order. Accordingly, we deny certificates of appealability and dismiss these appeals. 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