

dismissed Minners's § 2255 motion sua sponte, concluding the motion was filed outside the one-year limitation period set forth in 28 U.S.C. § 2255.

In his appellate brief, Minners argues the merits of the claims he seeks to raise in his § 2255 motion. He does not address the district court's procedural ruling and presents no argument that the district court miscalculated the one-year period.

To be entitled to a COA, Minners must show "that jurists of reason would find it debatable whether the district court was correct in its procedural ruling." *Slack v. McDaniel*, 529 U.S. 474, 484-85 (2000) (holding that when a district court dismisses a habeas petition on procedural grounds, a petitioner is entitled to a COA only if he shows both that reasonable jurists would find it debatable whether he had stated a valid constitutional claim and debatable whether the district court's procedural ruling was correct). Our review of the record demonstrates that the district court's dismissal of Minners's § 2255 motion as untimely is not deserving of further proceedings or subject to a different resolution on appeal. Accordingly, we **deny** Minners's request for a COA and **dismiss** this appeal.

ENTERED FOR THE COURT



Elisabeth A. Shumaker, Clerk