

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-7748

UNITED STATES OF AMERICA,

Plaintiff – Appellee,

v.

DICKINSON NORMAN ADIONSER, a/k/a D.C. Black,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Norfolk. Henry Coke Morgan, Jr., Senior District Judge. (2:03-cr-00081-HCM-JEB-1)

Submitted: April 20, 2017

Decided: June 7, 2017

Before MOTZ and WYNN, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Dismissed in part; affirmed in part by unpublished per curiam opinion.

Dickinson Norman Adionser, Appellant Pro Se. Darryl James Mitchell, Assistant United States Attorney, Norfolk, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Dickinson Norman Adionser seeks to appeal the district court's order denying relief on his "Emergency Motion for Clarification of District Court Senior Judge Henry Coke Morgan's Jr. Order dated November 2, 2015, filed February 24, 2016 in Regards to Appeal Jurisdiction." With regard to the dismissal of Adionser's successive 28 U.S.C. § 2255 (2012) claims, 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 Adionser has not made the requisite showing with respect to these claims. Accordingly, we deny a certificate of appealability and dismiss the appeal in part. With regard to the denial of Adionser's Fed. R. Civ. P. 60(b) claims, we affirm in part for the reasons stated by the district court. *United States v. Adionser*, No. 2:03-cr-00081-HCM-JEB-1 (E.D. Va. Oct. 25, 2016). 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 IN PART;
AFFIRMED IN PART*