## UNPUBLISHED

## UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

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_	No. 17-6055	
UNITED STATES OF AMERICA,		
Plaintiff - Appo	ellee,	
v.		
ROBERT JAMES GADSEN, a/k/a	Robert James, a/k/a	Axe-Head,
Defendant - Ap	ppellant.	
_		
Appeal from the United States D Charleston. Patrick Michael Duffy, cv-02043-PMD)		
Submitted: August 3, 2017		Decided: August 25, 2017
Before WILKINSON, NIEMEYER	, and KING, Circuit	Judges.
Dismissed by unpublished per curia	m opinion.	
Emily Deck Harrill, OFFICE OF South Carolina, for Appellant. Charleston, South Carolina, for App	Sean Kittrell, As	PUBLIC DEFENDER, Columbia, esistant United States Attorney,

Unpublished opinions are not binding precedent in this circuit.

## PER CURIAM:

Robert James Gadsen seeks to appeal the district court's order denying relief on his 28 U.S.C. § 2255 (2012) motion. The order is not appealable unless a circuit justice or judge issues a certificate of appealability. *See* 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 Gadsen has not made the requisite showing. Accordingly, we deny his motion for a certificate of appealability and dismiss the appeal. 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**