

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 17-6891**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

RODRICK LAMONT NICHOLSON,

Defendant - Appellant.

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Appeal from the United States District Court for the Middle District of North Carolina, at Greensboro. N. Carlton Tilley, Jr., Senior District Judge. (1:07-cr-00196-NCT-1; 1:10-cv-00445-NCT-JEP)

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Submitted: December 22, 2017

Decided: January 19, 2018

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

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Dismissed by unpublished per curiam opinion.

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Rodrick Lamont Nicholson, Appellant Pro Se. Robert Albert Jamison Lang, Assistant United States Attorney, Winston-Salem, North Carolina; Angela Hewlett Miller, Assistant United States Attorney, Greensboro, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Rodrick Lamont Nicholson seeks to appeal the district court’s order accepting the recommendation of the magistrate judge and 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. 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 Nicholson has not made the requisite showing. Accordingly, we deny Nicholson’s motion for a certificate of appealability and dismiss the appeal. We dispense with oral argument because the

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\* We have reviewed Nicholson’s informal brief raising ineffective assistance claims related to his status as a career offender under *United States v. Davis*, 720 F.3d 215, 219 (4th Cir. 2013).

facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

*DISMISSED*