

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 20-6159

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MARK STEVEN BUSH, JR., a/k/a Unc,

Defendant - Appellant.

Appeal from the United States District Court for the Southern District of West Virginia, at
Huntington. Robert C. Chambers, District Judge. (3:16-cr-00227-1; 3:17-cv-03875)

Submitted: October 16, 2020

Decided: November 4, 2020

Before MOTZ, DIAZ, and HARRIS, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Mark Steven Bush, Jr., Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Mark Steven Bush, Jr., seeks to appeal the district court's order accepting the recommendation of the magistrate judge and denying relief on Bush's 28 U.S.C. § 2255 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). 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). When the district court denies relief on the merits, a prisoner satisfies this standard by demonstrating that reasonable jurists could find the district court's assessment of the constitutional claims debatable or wrong. *See Buck v. Davis*, 137 S. Ct. 759, 773–74 (2017). 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. *Gonzalez v. Thaler*, 565 U.S. 134, 140–41 (2012) (citing *Slack v. McDaniel*, 529 U.S. 473, 484 (2000)). And the timely filing of specific objections to the magistrate judge's report is necessary to preserve appellate review when the parties have been warned of the consequences of noncompliance. *Martin v. Duffy*, 858 F.3d 239, 245 (4th Cir. 2017).

We have independently reviewed the record and conclude that as to the claims for which Bush lodged timely, specific objections to the magistrate judge's report, Bush has not made the requisite showing. Accordingly, we deny 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