

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 22-6847**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ANTHONY EUGENE WIGGINS,

Defendant - Appellant.

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**No. 23-6184**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ANTHONY EUGENE WIGGINS,

Defendant - Appellant.

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Appeals from the United States District Court for the District of Maryland, at Baltimore.  
George L. Russell, III, District Judge. (1:19-cr-00142-GLR-1; 1:21-cv-02844-GLR)

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Submitted: November 21, 2023

Decided: November 27, 2023

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Before WILKINSON and NIEMEYER, Circuit Judges, and TRAXLER, Senior Circuit Judge.

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Dismissed by unpublished per curiam opinion.

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Anthony Eugene Wiggins, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

In these consolidated cases, Anthony Eugene Wiggins seeks to appeal the district court's orders denying relief on his 28 U.S.C. § 2255 motion and his motion for reconsideration. With respect to Appeal No. 22-6847, this court may exercise jurisdiction only over final orders, 28 U.S.C. § 1291, and certain interlocutory and collateral orders, 28 U.S.C. § 1292; Fed. R. Civ. P. 54(b); *Cohen v. Beneficial Indus. Loan Corp.*, 337 U.S. 541, 545-46 (1949). Because Wiggins filed his first notice of appeal before the district court adjudicated his § 2255 motion, we conclude that Wiggins did not appeal a final order or an appealable interlocutory or collateral order. We therefore dismiss Appeal No. 22-6847 for lack of jurisdiction and deny Wiggins' motion to appoint counsel.

However, with respect to Appeal No. 23-6184, Wiggins timely appealed the district court's orders denying relief in this § 2255 proceeding. The orders are 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*, 580 U.S. 100, 115-17 (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)).

We have independently reviewed the record and conclude that Wiggins has not made the requisite showing. Accordingly, we deny a certificate of appealability and dismiss the appeal in No. 23-6184. 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*