

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 11-7461

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

RYAN O'NEIL LANSDOWNE,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. T. S. Ellis, III, Senior District Judge. (1:00-cr-00185-TSE-1; 1:11-cv-00112-TSE)

Submitted: March 15, 2012

Decided: March 20, 2012

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

Affirmed in part; dismissed in part by unpublished per curiam opinion.

Ryan O'Neil Lansdowne, Appellant Pro Se. Lawrence Joseph Leiser, Assistant United States Attorney, Alexandria, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Ryan O'Neil Lansdowne seeks to appeal the district court's orders (1) denying his motion for reduction of sentence under 18 U.S.C. § 3582(c)(2) (2006) and denying relief on his 28 U.S.C.A. § 2255 (West Supp. 2011) motion; and (2) denying his motion for reconsideration.

We have reviewed the district court's denial of Lansdowne's § 3582(c)(2) motion and his request for reconsideration and find no reversible error. Accordingly, we affirm the district court's orders in part for the reasons stated by the district court. United States v. Lansdowne, Nos. 1:00-cr-00185-TSE-1; 1:11-cv-00112-TSE (E.D. Va. filed Aug. 4, 2011 & entered Aug. 5, 2011; filed Nov. 8, 2011 & entered Nov. 9, 2011).

To the extent that the district court's orders address Lansdowne's request for § 2255 relief, the orders are not appealable unless a circuit justice or judge issues a certificate of appealability. 28 U.S.C. § 2253(c)(1)(B) (2006). 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) (2006). 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 Lansdowne has not made the requisite showing. Accordingly, we deny Lansdowne's motion for a certificate of appealability and dismiss the appeal in part. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED IN PART;
DISMISSED IN PART