

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-6729

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JOSHUA JUSTON SEIBLES,

Defendant - Appellant.

No. 13-7076

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JOSHUA JUSTON SEIBLES,

Defendant - Appellant.

Appeals from the United States District Court for the District
of South Carolina, at Columbia. Margaret B. Seymour, Senior
District Judge. (3:07-cr-00461-MBS-1; 3:13-cv-00712-MBS)

Submitted: August 26, 2013

Decided: September 18, 2013

Before DAVIS, KEENAN, and THACKER, Circuit Judges.

Dismissed in part; affirmed in part by unpublished per curiam opinion.

Joshua Juston Seibles, Appellant Pro Se. Stacey Denise Haynes, Assistant United States Attorney, Columbia, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Joshua Juston Seibles seeks to appeal the district court's orders denying relief on his 28 U.S.C.A. § 2255 (West Supp. 2013) motion, denying his motion to set aside his criminal judgment, and denying his motion to dismiss for lack of subject matter jurisdiction. The order denying Seibles' § 2255 motion is 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 Seibles has not made the requisite showing. Accordingly, we deny a certificate of appealability and dismiss the appeal of

the district court's order denying habeas relief. Likewise, we have reviewed the record and Seibles' claims with regard to the denial of his motions to set aside the criminal judgment and to dismiss for lack of subject matter jurisdiction and find no reversible error. We therefore affirm the district court's orders denying those motions. Finally, 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 IN PART;
AFFIRMED IN PART