

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-7109

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DEMETRIOUS ADONIS MOORE, a/k/a Meechie,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Greenville. Henry M. Herlong, Jr., Senior District Judge. (6:08-cr-00124-HMH-1; 6:13-cv-01236-HMH)

Submitted: November 26, 2013

Decided: December 23, 2013

Before KEENAN, DIAZ, and THACKER, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Demetrious Adonis Moore, Appellant Pro Se. Elizabeth Jean Howard, Assistant United States Attorney, Greenville, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Demetrious Adonis Moore seeks to appeal the district court's order denying relief on his 28 U.S.C.A. § 2255 (West Supp. 2013) 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) (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 Moore has not made the requisite showing.* Accordingly, we

* We note that, in his third claim for relief, Moore asserted that his counsel was ineffective in failing to challenge his resentencing proceedings on the grounds that the district judge exhibited bias and prejudice against him—not, as the district court construed the claim, a challenge based on the (Continued)

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

procedural and substantive reasonableness of his sentence. Nevertheless, having reviewed the record and Moore's submissions on appeal, we conclude that Moore fails to make the requisite showing for a certificate of appealability on this issue.