

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 13-7230**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

CHARLES W. WADE,

Defendant - Appellant.

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Appeal from the United States District Court for the District of Maryland, at Greenbelt. Deborah K. Chasanow, Chief District Judge. (8:10-cr-00574-DKC-1; 8:12-cv-02442-DKC)

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Submitted: November 27, 2013

Decided: January 10, 2014

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Before KEENAN, DIAZ, and FLOYD, Circuit Judges.

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Affirmed in part; dismissed in part by unpublished per curiam opinion.

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Charles W. Wade, Appellant Pro Se. Hans Miller, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C.; Paul Nitze, OFFICE OF THE UNITED STATES ATTORNEY, Baltimore, Maryland, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Charles W. Wade seeks to appeal the district court's order denying his motions for a sentence reduction under 18 U.S.C. § 3582(c)(2) (2012) and denying relief on his 28 U.S.C. § 2255 (2012) motion. As to Wade's challenge to the denial of his 18 U.S.C. § 3582(c)(2) motions, we have reviewed the record and find no reversible error. Accordingly, we affirm the denial for the reasons stated by the district court. See United States v. Wade, No. 8:10-cr-00574-DKC-1 (D. Md. June 19, 2013).

Wade may not appeal the denial of his 28 U.S.C. § 2255 motion 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 Wade has not made the requisite showing. Accordingly, we deny a certificate of appealability and dismiss the portion of Wade's appeal challenging denial of his 28 U.S.C. § 2255 motion.

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.

AFFIRMED IN PART;  
DISMISSED IN PART