

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

**No. 13-7955**

---

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

GRADY WILLIAM POWERS,

Defendant - Appellant.

---

Appeal from the United States District Court for the Western District of North Carolina, at Bryson City. Martin K. Reidinger, District Judge. (2:93-cr-00019-MR-1; 2:12-cv-00071-MR)

---

Submitted: May 23, 2014

Decided: June 3, 2014

---

Before NIEMEYER, KING, and DIAZ, Circuit Judges.

---

Dismissed by unpublished per curiam opinion.

---

Grady William Powers, Appellant Pro Se. Thomas Richard Ascik, Assistant United States Attorney, Asheville, North Carolina, for Appellee.

---

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Grady William Powers seeks to appeal the district court's order denying relief on his 28 U.S.C. § 2255 (2012) 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) (2012). 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) (2012). 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 Powers has not made the requisite showing. Accordingly, we deny a certificate of appealability and dismiss the appeal. We deny Powers' motion for appointment of counsel, and deny as moot his motion to lift the stay of his case. 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