

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 13-8001**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MICHAEL THOMPSON,

Defendant - Appellant.

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Appeal from the United States District Court for the Eastern District of North Carolina, at Greenville. James C. Dever, III, Chief District Judge. (4:08-cr-00057-D-1; 4:11-cv-00175-D)

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Submitted: April 24, 2014

Decided: April 28, 2014

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Before NIEMEYER, SHEDD, and FLOYD, Circuit Judges.

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Dismissed in part and affirmed in part by unpublished per curiam opinion.

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Michael Thompson, Appellant Pro Se. William Glenn Perry, OFFICE OF THE UNITED STATES ATTORNEY, Greenville, North Carolina; Shailika K. Shah, OFFICE OF THE UNITED STATES ATTORNEY, Raleigh, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

In a single order, the district court denied Michael Thompson's 28 U.S.C. § 2255 (2012) motion and his motion for a sentence reduction under 18 U.S.C. § 3582(c)(2) (2012). For the reasons that follow, we dismiss in part and affirm in part.

Turning first to the portion of the order denying § 2255 relief, 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 Thompson has not made the requisite showing. Accordingly,

we deny a certificate of appealability and dismiss Thompson's appeal from the denial of his § 2255 motion.

Turning to the portion of the order denying Thompson's motion for reduction of sentence, we have reviewed the record and find no abuse of discretion by the district court. United States v. Munn, 595 F.3d 183, 186 (4th Cir. 2010). Accordingly, we affirm the denial of § 3582(c)(2) relief.

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