

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

**No. 14-7431**

---

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

GARY RICHARD LACKEY,

Defendant - Appellant.

---

Appeal from the United States District Court for the Western District of North Carolina, at Statesville. Richard L. Voorhees, District Judge. (5:11-cr-00052-RLV-1; 5:14-cv-00054-RLV)

---

Submitted: January 22, 2015

Decided: January 27, 2015

---

Before SHEDD and KEENAN, Circuit Judges.\*

---

Dismissed by unpublished per curiam opinion.

---

Gary Richard Lackey, Appellant Pro Se. Steven R. Kaufman, Assistant United States Attorney, Charlotte, North Carolina, for Appellee.

---

Unpublished opinions are not binding precedent in this circuit.

---

\* The opinion is filed by a quorum of the panel pursuant to 28 U.S.C. § 46(d) (2012).

PER CURIAM:

Gary Richard Lackey seeks to appeal the district court's orders denying his 28 U.S.C. § 2255 (2012) and Fed. R. Civ. P. 59(e) motions. The orders are 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 Lackey has not made the requisite showing. Accordingly, we 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