

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 15-6677

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

LEROY EARL LOVELL,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. James C. Dever III, Chief District Judge. (5:11-cr-00148-D-1; 5:14-cv-00654-D)

Submitted: September 28, 2015

Decided: October 5, 2015

Before WILKINSON, KING, and FLOYD, Circuit Judges.

Dismissed in part; affirmed in part by unpublished per curiam opinion.

Leroy Earl Lovell, Appellant Pro Se. Jennifer P. May-Parker, Assistant United States Attorney, Seth Morgan Wood, OFFICE OF THE UNITED STATES ATTORNEY, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Leroy Earl Lovell seeks to appeal the district court's order denying relief on his 28 U.S.C. § 2255 (2012) motion to vacate and denying his 18 U.S.C. § 3582(c)(2) (2012) motion for a sentence reduction. We dismiss in part and affirm in part.

The order denying relief on Lovell's § 2255 motion 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 Lovell has not made the requisite showing. Accordingly, we deny

a certificate of appealability and dismiss the portion of the appeal pertaining to the § 2255 motion.

As to the district court's denial of Lovell's 18 U.S.C. § 3582(c)(2) motion for a sentence reduction, we have reviewed the record and find no reversible error. Accordingly, we affirm the denial of that motion for the reasons stated by the district court. United States v. Lovell, Nos. 5:11-cr-00148-D-1; 5:14-cv-00654-D (E.D.N.C. Apr. 20, 2015); see United States v. Mann, 709 F.3d 301, 304-05 (4th Cir. 2013) (reviewing disposition of § 3582(c)(2) motion for abuse of discretion).

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