UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 15-7345

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MARLON BRAMWELL, a/k/a May Day,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Liam O'Grady, District Judge. (1:91-cr-00429-AVB-2; 1:14-cv-00691-LO)

Submitted: January 28, 2016 Decided: February 9, 2016

Before MOTZ, KING, and WYNN, Circuit Judges.

Dismissed in part; affirmed in part by unpublished per curiam opinion.

Marlon Bramwell, Appellant Pro Se. Lawrence Joseph Leiser, Assistant United States Attorney, Jeffrey L. Shih, OFFICE OF THE UNITED STATES ATTORNEY, Alexandria, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Marlon Bramwell seeks to appeal the district court's (1) denial of his motion to correct the presentence report, (2) denial of his self-styled motions to reopen his original 28 U.S.C. § 2255 (2012) proceeding, and (3) dismissal as successive of his § 2255 motion. We conclude that the certificate of appealability requirement in 28 U.S.C. § 2253(c)(1)(B) (2012), applies to (1) and (3) but not to (2).* We therefore dismiss in part and affirm in part.

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

* Because the district court addressed Bramwell's motions to reopen under Fed. R. Civ. P. 60 on the merits, the certificate of appealability requirement applies to that portion of the district court's order. See United States v. McRae, 793 F.3d 392, 399-400 & n.7 (4th Cir. 2015).

of the denial of a constitutional right. Slack, 529 U.S. at 484-85. We have independently reviewed the record and conclude that Bramwell has not made the requisite showing. Accordingly, we deny a certificate of appealability and dismiss the appeal of the denial of Bramwell's motions to reopen and the dismissal of his § 2255 motion.

Turning to Bramwell's motion to correct the presentence report, we confine our review to the issues raised in the appellant's brief. See 4th Cir. R. 34(b). Because Bramwell's informal brief does not challenge this basis for the district court's disposition, Bramwell has forfeited appellate review of this portion of the court's order. We therefore affirm the district court's denial of this 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.

DISMISSED IN PART;
AFFIRMED IN PART