

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 15-7541**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

SAMUEL LARELL ANDERSON,

Defendant - Appellant.

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Appeal from the United States District Court for the District of South Carolina, at Rock Hill. Cameron McGowan Currie, Senior District Judge. (0:04-cr-00353-CMC-3)

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Submitted: February 25, 2016

Decided: March 1, 2016

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Before SHEDD and HARRIS, Circuit Judges, and DAVIS, Senior Circuit Judge.

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Affirmed in part and dismissed in part by unpublished per curiam opinion.

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Samuel Larell Anderson, Appellant Pro Se. Beth Drake, Jimmie Ewing, William Kenneth Witherspoon, Assistant United States Attorneys, Columbia, South Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Samuel Larell Anderson appeals the district court's order denying his motion for reduction of sentence under 18 U.S.C. § 3582(c)(2) (2012). The district court denied § 3582 relief because it found that Anderson was not entitled to a sentence reduction under Guidelines Amendment 782. The district court also noted that, to the extent Anderson attempted to challenge his sentence as originally imposed by the district court, the motion was a successive and unauthorized 28 U.S.C. § 2255 (2012) motion over which the district court lacked jurisdiction. We affirm in part, and dismiss in part.

As to the district court's denial of relief under § 3582(c)(2), we have reviewed the record and find no reversible error. Accordingly, we affirm this portion of the district court's order for the reasons stated by the district court. See United States v. Anderson, No. 0:04-cr-00353-CMC-3 (D.S.C. filed Sept. 15, 2015, entered Sept. 16, 2015).

To the extent that the district court construed Anderson's challenge to his original sentence as a successive and unauthorized habeas claim, that portion of the district court's 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 Anderson has not made the requisite showing. Accordingly, we deny a certificate of appealability and dismiss the appeal, in part.

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.

AFFIRMED IN PART;  
DISMISSED IN PART