

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-6077

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DELTON LAMONT RAYNOR,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Norfolk. Raymond A. Jackson, District Judge. (2:11-cr-00159-RAJ-DEM-1; 2:15-cv-00557-RAJ)

Submitted: May 18, 2016

Decided: May 23, 2016

Before SHEDD, DIAZ, and HARRIS, Circuit Judges.

Affirmed in part and dismissed in part by unpublished per curiam opinion.

Delton Lamont Raynor, Appellant Pro Se. Andrew Lamont Creighton, OFFICE OF THE UNITED STATES ATTORNEY, Newport News, Virginia, Stephen Westley Haynie, Assistant United States Attorney, Norfolk, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Delton Lamont Raynor seeks to appeal the district court's order denying relief on his motions filed under Fed. R. Civ. P. 60(b) and 28 U.S.C. § 2255 (2012). Regarding the denial of Rule 60(b) relief, we find no abuse of discretion by the district court, see Aikens v. Ingram, 652 F.3d 496, 501 (4th Cir. 2011) (noting that Rule 60(b) motions are reviewed for an abuse of discretion), and thus affirm this portion of the order appealed on the reasoning of the district court. United States v. Raynor, No. 2:11-cr-00159-RAJ-DEM-1 (E.D. Va. Dec. 23, 2015).

Regarding the appeal of the denial of Raynor's § 2255 motion, 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 Raynor 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.

AFFIRMED IN PART;
DISMISSED IN PART