

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-6580

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MILTON ANTONIO GONZALEZ, a/k/a Milton Antonio Gonzalez-
Rodriguez, a/k/a Peres Aguilarjose, a/k/a Jose Lopez,

Defendant - Appellant.

No. 16-7031

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MILTON ANTONIO GONZALEZ, a/k/a Milton Antonio Gonzalez-
Rodriguez, a/k/a Peres Aguilarjose, a/k/a Jose Lopez,

Defendant - Appellant.

Appeals from the United States District Court for the District of
Maryland, at Greenbelt. Roger W. Titus, Senior District Judge.
(8:09-cr-00302-RWT-1; 8:15-cv-02501-RWT)

Submitted: December 16, 2016

Decided: January 18, 2017

Before GREGORY, Chief Judge, and WILKINSON and HARRIS, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Milton Antonio Gonzalez, Appellant Pro Se. Debra Lynn Dwyer, Assistant United States Attorney, Baltimore, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Milton Antonio Gonzalez seeks to appeal the district court's orders in his 28 U.S.C. § 2255 (2012) proceeding, which dismissed as untimely his claims of ineffective assistance of counsel and denied relief on the challenge to his sentence pursuant to Johnson v. United States, 135 S. Ct. 2551 (2015). A prisoner may not appeal a district court's ruling in a § 2255 action 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 Gonzalez has not made the requisite showing as to either the ineffective assistance claims or the Johnson claim. Accordingly,

we deny a certificate of appealability and dismiss the appeals. 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