

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-7479

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

TERRY JERMAINE LOCKEE,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at
Wilmington. James C. Fox, Senior District Judge. (7:05-cr-00011-F-1; 7:15-cv-00264-
F)

Submitted: March 31, 2017

Decided: August 2, 2017

Before GREGORY, Chief Judge, FLOYD, Circuit Judge, and HAMILTON, Senior
Circuit Judge.

Dismissed by unpublished per curiam opinion.

Lynne Louise Reid, L.L. REID LAW, Chapel Hill, North Carolina, for Appellant.
Thomas B. Murphy, Stephen Aubrey West, Assistant United States Attorneys, 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Unpublished opinions are not binding precedent in this circuit.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:

Terry Jermaine Lockee seeks to appeal the district court’s order denying relief on his 28 U.S.C. § 2255 (2012) 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 Lockee 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

* We held this appeal in abeyance pending our decision in *United States v. Royster*, No. 15-4757. Although *Royster* did not resolve the issues presented in this appeal, we conclude that Lockee’s claim for relief is squarely foreclosed by other recent, binding authority. *See Beckles v. United States*, 137 S. Ct. 886, 895, 897 (2017); *United States v. Foote*, 784 F.3d 931, 932-33 (4th Cir. 2015).

contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

DISMISSED