

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 17-6554**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

RAYMOND EDWARD CHESTNUT, a/k/a Snoop, a/k/a Ray,

Defendant - Appellant.

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Appeal from the United States District Court for the District of South Carolina, at Florence. R. Bryan Harwell, District Judge. (4:05-cr-01044-RBH-1; 4:16-cv-02013-RBH)

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Submitted: September 25, 2017

Decided: October 2, 2017

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Before SHEDD, WYNN, and THACKER, Circuit Judges.

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Dismissed in part and affirmed in part by unpublished per curiam opinion.

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Raymond Edward Chestnut, Appellant Pro Se. Robert Frank Daley, Jr., Assistant United States Attorney, Columbia, South Carolina; Arthur Bradley Parham, Assistant United States Attorney, Florence, South Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

## PER CURIAM:

Raymond Edward Chestnut seeks to appeal the district court's order denying relief on his motions filed pursuant to 18 U.S.C. § 3582(c)(2) (2012) and 28 U.S.C. § 2255 (2012). We affirm in part and dismiss in part.

Turning first to Chestnut's § 3582(c)(2) motion for a reduction in sentence, we conclude that the district court did not abuse its discretion in denying the motion. Accordingly, we affirm for the reasons stated by the district court. *United States v. Chestnut*, Nos. 4:05-cr-01044-RBH-1; 4:16-cv-02013-RBH (D.S.C. Apr. 14, 2017).

As to the district court's denial of Chestnut's § 2255 motions, this portion of 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 Chestnut has not made the requisite showing. Accordingly, we deny a certificate of appealability and dismiss the appeal of the denial of Chestnut's § 2255 motions.

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*