

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 17-6654**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

PHILLIP EDMUND BARNARD, JR.,

Defendant - Appellant.

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**No. 17-6655**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

PHILLIP EDMUND BARNARD, JR.,

Defendant - Appellant.

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Appeals from the United States District Court for the Eastern District of Virginia, at Alexandria. Leonie M. Brinkema, District Judge. (1:15-cr-00060-LMB-1; 1:16-cv-01283-LMB)

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Submitted: October 31, 2017

Decided: November 9, 2017

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Before NIEMEYER, KING, and KEENAN, Circuit Judges.

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No. 17-6654, affirmed; No. 17-6655, dismissed by unpublished per curiam opinion.

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Phillip Edmund Barnard, Jr., Appellant Pro Se. Uzo Enyinnaya Asonye, Christopher John Catizone, Assistant United States Attorneys, Alexandria, Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

In these consolidated appeals, Phillip Edmund Barnard, Jr., seeks to appeal the district court's orders denying relief on his motion for recusal and on his 28 U.S.C. § 2255 (2012) motion. With respect to the district court's order denying relief on Barnard's motion for recusal, we have reviewed the record and find no abuse of discretion in the district court's denial of relief. *See United States v. Stone*, 866 F.3d 219, 229 (4th Cir. 2017) (stating standard of review). Accordingly, we affirm the order in No. 17-6654 for the reasons stated by the district court. *United States v. Barnard*, No. 1:15-cr-00060-LMB-1 (E.D. Va. Apr. 14, 2017).

Turning to Barnard's appeal of the district court's order denying relief on his § 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 Barnard has not made the requisite showing. Accordingly, in No. 17-6655, 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.

*No. 17-6654 - AFFIRMED*  
*No. 17-6655 - DISMISSED*