

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 17-6932**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

WILLIAM A. WHITE,

Defendant - Appellant.

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Appeal from the United States District Court for the Western District of Virginia, at  
Roanoke. Glen E. Conrad, District Judge. (7:13-cr-00013-GEC-1; 7:17-cv-81265-GEC)

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Submitted: December 22, 2017

Decided: January 22, 2018

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Before MOTZ, KING, and THACKER, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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William A. White, Appellant Pro Se. Laura Day Rottenborn, OFFICE OF THE UNITED  
STATES ATTORNEY, Roanoke, Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

William A. White seeks to appeal the district court's orders denying relief on his 28 U.S.C. § 2255 (2012) motion and denying reconsideration.\* 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 White has not made the requisite showing. Accordingly, we deny a certificate of appealability, deny White's motion to correct the docketing of the appeal, and dismiss the appeal. We dispense with

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\* Although the district court should have construed White's motion as a motion pursuant to Fed. R. Civ. P. 59(e) rather than Fed. R. Civ. P. 60(b), and denied it rather than dismissed it, see *MLC Auto., LLC v. Town of S. Pines*, 532 F.3d 269, 276 (4th Cir. 2008), as we conclude that White's motion was nonetheless without merit, we also conclude that White is not entitled to a certificate of appealability regarding the denial of his motion for reconsideration.

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*