

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 18-6188

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

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

Defendant - Appellant.

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)

Submitted: June 7, 2018

Decided: June 19, 2018

Before WYNN and THACKER, Circuit Judges, and SHEDD, Senior Circuit Judge.

Affirmed in part and dismissed in part by unpublished per curiam opinion.

Raymond Edward Chestnut, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.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 motion for reconsideration of the order denying relief on his 18 U.S.C. § 3582(c)(2) (2012) motion for reduction in sentence and the district court's order construing his Motion to Dismiss Indictment and Conviction for Lack of Jurisdiction as a successive and unauthorized 28 U.S.C. § 2255 (2012) motion and dismissing it on that basis. We affirm in part and dismiss in part.

Turning first to the text order denying Chestnut's motion for reconsideration of the denial of his § 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. *See United States v. Mann*, 709 F.3d 301, 304 (4th Cir. 2013) (providing standard).

As to the district court's text order denying Chestnut's Motion to Dismiss Indictment and Conviction for Lack of Jurisdiction as a successive and unauthorized § 2255 motion, 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 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 Motion to Dismiss Indictment and Conviction for Lack of Jurisdiction.

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*