

UNPUBLISHED

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

No. 18-6639

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MARK J. JONES, SR., a/k/a Mark Jacob Jones, Sr.,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Norfolk. Robert G. Doumar, Senior District Judge. (2:14-cr-00132-RGD-LRL-2; 2:16-cv-00106-RGD-LRL)

Submitted: October 23, 2018

Decided: October 26, 2018

Before NIEMEYER, KING, and WYNN, Circuit Judges.

Affirmed in part and dismissed in part by unpublished per curiam opinion.

Mark J. Jones, Sr., Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Mark J. Jones, Sr., seeks to appeal the district court's order denying relief on his motion for reconsideration of a prior order denying relief on his 28 U.S.C. § 2255 (2012) motion and supplement, denying his motion for a certificate of appealability, and denying his motion for reduction of sentence, 18 U.S.C. § 3582(c) (2012). We affirm in part and dismiss in part.

To the extent Jones appeals the order denying his § 3582(c) motion, 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 order denying Jones' motion for reconsideration of the court's prior order denying his § 2255 motion and supplement and denying his motion for a certificate of appealability, 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 Jones has not made the

requisite showing. Accordingly, we deny a certificate of appealability and dismiss the appeal as to this portion of the district court's order.

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*