

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 19-7860**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

WESLEY JERMAINE OWENS,

Defendant - Appellant.

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Appeal from the United States District Court for the Eastern District of North Carolina, at  
Wilmington. W. Earl Britt, Senior District Judge. (7:16-cr-00081-BR-1; 7:19-cv-00218-  
BR)

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Submitted: April 29, 2020

Decided: May 11, 2020

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Before WILKINSON, QUATTLEBAUM, and RUSHING, Circuit Judges.

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Dismissed in part and affirmed in part by unpublished per curiam opinion.

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Wesley Jermaine Owens, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Wesley Jermaine Owens seeks to appeal the district court's order denying relief on his 28 U.S.C. § 2255 (2018) motion and denying his petition for a writ of error coram nobis pursuant to 28 U.S.C. § 1651 (2018). We dismiss in part and affirm in part.

The portion of the order denying § 2255 relief is not appealable unless a circuit justice or judge issues a certificate of appealability. *See* 28 U.S.C. § 2253(c)(1)(B) (2018). 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) (2018). When the district court denies relief on the merits, a prisoner satisfies this standard by demonstrating that reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong. *See Buck v. Davis*, 137 S. Ct. 759, 773-74 (2017). 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. *Gonzalez v. Thaler*, 565 U.S. 134, 140-41 (2012) (citing *Slack v. McDaniel*, 529 U.S. 473, 484 (2000)). We have independently reviewed the record and conclude that Owens has not made the requisite showing. Accordingly, we deny Owens' motion for a certificate of appealability and dismiss the appeal as to the denial of § 2255 relief.

Turning to the portion of the order denying the petition for a writ of error coram nobis, we have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. *United States v. Owens*, Nos. 7:16-cr-00081-BR-1; 7:19-cv-00218-BR (E.D.N.C. Dec. 5, 2019). 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.

*DISMISSED IN PART,  
AFFIRMED IN PART*