

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 20-6846

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

FLORENCIO APREZA-GUERRERO, a/k/a Florencio Antonio Hernandez, a/k/a
Flaco,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of North Carolina, at
Charlotte. Frank D. Whitney, District Judge. (3:17-cr-00066-FDW-DSC-1; 3:20-cv-
00067-FDW)

Submitted: October 29, 2021

Decided: November 16, 2021

Before WYNN and DIAZ, Circuit Judges, and KEENAN, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Florencio Apreza-Guerrero, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Florencio Apreza-Guerrero seeks to appeal the district court's order denying relief on his 28 U.S.C. § 2255 motion. The order is not appealable unless a circuit justice or judge issues a certificate of appealability. *See* 28 U.S.C. § 2253(c)(1)(B). 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). When the district court denies relief on the merits, a prisoner satisfies this standard by demonstrating that reasonable jurists could find the district court's assessment of the constitutional claims debatable or wrong. *See Buck v. Davis*, 137 S. Ct. 759, 773-74 (2017).

We have independently reviewed the record and conclude that Apreza-Guerrero has not made the requisite showing. Accordingly, 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.

DISMISSED