

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 21-6540**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JAMES THOMAS WEBB,

Defendant - Appellant.

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**No. 22-6095**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JAMES THOMAS WEBB,

Defendant - Appellant.

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Appeals from the United States District Court for the Eastern District of North Carolina, at  
Raleigh. James C. Dever III, District Judge. (5:12-cr-00301-D-1; 5:17-cv-00081-D)

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Submitted: June 1, 2022

Decided: July 22, 2022

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Before GREGORY, Chief Judge, and THACKER and RICHARDSON, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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James Thomas Webb, Appellant Pro Se. David A. Bragdon, Assistant United States Attorney, Kristine L. Fritz, Assistant United States Attorney, Jennifer P. May-Parker, Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Raleigh, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

James Thomas Webb seeks to appeal the district court's orders denying his motion for a certificate of appealability and denying his motion for relief from the district court's prior order dismissing his 28 U.S.C. § 2255 motion. The orders are not appealable unless a circuit justice or judge issues a certificate of appealability. *See* U.S.C. § 2253(c)(1)(B); *United States v. McRae*, 793 F.3d 392, 400 & n.7 (4th Cir. 2015). 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 showing 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). When the district court denies relief on procedural grounds, the prisoner must show 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 Webb has not made the requisite showing. Accordingly, we deny a certificate of appealability, deny his motion for judicial notice, and dismiss the appeals. 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*