

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 21-7112

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JOSHUA FREDERICK DAVIS,

Defendant - Appellant.

No. 21-7706

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JOSHUA FREDERICK DAVIS,

Defendant - Appellant.

Appeals from the United States District Court for the District of South Carolina, at
Charleston. Richard Mark Gergel, District Judge. (2:16-cr-00381-RMG-1; 2:20-cv-
02053-RMG)

Submitted: November 29, 2022

Decided: December 7, 2022

Before THACKER and HARRIS, Circuit Judges, and MOTZ, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Joshua Frederick Davis, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Joshua Frederick Davis seeks to appeal the district court's orders denying relief on his 28 U.S.C. § 2255 and Fed. R. Civ. P. 59(e) motions. The orders are 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). 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 Davis has not made the requisite showing. Accordingly, we deny Davis' motion for a certificate of appealability, deny Davis' motion to appoint counsel 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