

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 22-6267

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

LORENZO EVERRETTE ROSCOE,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Norfolk. Rebecca Beach Smith, Senior District Judge. (2:18-cr-00057-RBS-DEM-1)

Submitted: July 20, 2022

Decided: July 28, 2022

Before THACKER and RUSHING, Circuit Judges, and FLOYD, Senior Circuit Judge.

Dismissed in part, affirmed in part by unpublished per curiam opinion.

Lorenzo Everrette Roscoe, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Lorenzo Everrette Roscoe seeks to appeal the district court's order denying his Fed. R. Civ. P. 60(b) motion for relief from the court's memorandum order denying relief on his 28 U.S.C. § 2255 motion. Roscoe also appeals the court's memorandum order denying his request for early release under 18 U.S.C. § 3582(c)(1)(A)(i) and for a recommendation that he be transferred to a Residential Reentry Center (RRC). The court's memorandum order denying the Rule 60(b) motion is not appealable unless a circuit justice or judge issues a certificate of appealability. 28 U.S.C. § 2253(c)(1)(B). *See generally 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 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 Roscoe has not made the requisite showing.

As for the remainder of Roscoe's appeal, we have reviewed the record and find no reversible error. Accordingly, we deny a certificate of appealability and dismiss the appeal from the order denying the Rule 60(b) motion and we affirm the district court's order

denying release under 18 U.S.C. § 3582(c)(1)(A)(i) and declining to recommend that Roscoe be transferred to an RRC. 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*