

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

**No. 22-6683**

---

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

NIKITA RAY COLEMAN, a/k/a Heavy,

Defendant - Appellant.

---

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. James C. Dever III, District Judge. (4:19-cr-00017-D-1; 4:21-cv-00142-D)

---

Submitted: November 18, 2022

Decided: November 30, 2022

---

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

---

Dismissed by unpublished per curiam opinion.

---

Nikita Ray Coleman, Appellant Pro Se.

---

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Nikita Ray Coleman seeks to appeal the district court's order dismissing 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). 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)).

Here, the district court summarily adopted the reasoning in the Government's memorandum in support of its motion to dismiss, offering no independent explanation for dismissing Coleman's § 2255 motion. Although the district court should have enumerated the issues Coleman raised and explained its reasons for denying relief, *see United States v. Marr*, 856 F.2d 1471, 1472-73 (10th Cir. 1988), we are able to conclude through our independent review of the record that Coleman has not made the requisite showing for a certificate of appealability. 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*