

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 22-6973

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ERIC SCOTT BARKER, a/k/a Skateboard, a/k/a Skate,

Defendant - Appellant.

No. 22-6974

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ERIC SCOTT BARKER, a/k/a Skateboard, a/k/a Skate,

Defendant - Appellant.

Appeals from the United States District Court for the Northern District of West Virginia,
at Clarksburg. Irene M. Keeley, Senior District Judge. (1:16-cr-00031-IMK-MJA-1; 1:19-
cv-00134-IMK)

Submitted: February 24, 2023

Decided: April 4, 2023

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

Affirmed in part (No. 22-6973) and dismissed in part (No. 22-6794) by unpublished per curiam opinion.

Eric Scott Barker, Appellant Pro Se. Andrew R. Cogar, Assistant United States Attorney, Sarah Wagner, OFFICE OF THE UNITED STATES ATTORNEY, Clarksburg, West Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

In these consolidated appeals, Eric Scott Barker appeals the district court's memorandum opinion and order denying Barker's motions for compassionate release under 18 U.S.C. § 3582(c)(1)(A) and relief under 28 U.S.C. § 2255. We affirm in part and dismiss in part.

We have reviewed the record and Barker's contentions on appeal and conclude that the district court did not abuse its discretion in denying Barker's motion for compassionate release. *See United States v. Malone*, 57 F.4th 167, 172 (4th Cir. 2023) (stating standard of review). Accordingly, we affirm in part the district court's order.

The part of the district court's order denying relief under § 2255 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*, 580 U.S. 100, 115-17 (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 Barker has not made the requisite showing.

Accordingly, we affirm in part, and because we deny a certificate of appealability, we dismiss in part. 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.

AFFIRMED IN PART; DISMISSED IN PART