

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 10-6172

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

LUTHER EARL SATTERFIELD,

Defendant - Appellant.

No. 10-6208

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

LUTHER EARL SATTERFIELD,

Defendant - Appellant.

Appeals from the United States District Court for the Eastern
District of North Carolina, at Raleigh. James C. Dever III,
District Judge. (5:04-cr-00173-D-1)

Submitted: August 19, 2010

Decided: August 27, 2010

Before MOTZ, GREGORY, and AGEE, Circuit Judges.

Affirmed in part; dismissed in part by unpublished per curiam opinion.

Luther Earl Satterfield, Appellant Pro Se. George Edward Bell Holding, United States Attorney, Rudolf A. Renfer, Jr., Assistant United States Attorney, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Luther Earl Satterfield seeks to appeal the district court's order denying relief on his 28 U.S.C.A. § 2255 (West Supp. 2010) motion and motion for sentence reduction under 18 U.S.C. § 3582(c) (2006). The portion of the order dismissing the § 2255 motion is not appealable unless a circuit justice or judge issues a certificate of appealability. 28 U.S.C. § 2253(c)(1) (2006). 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) (2006). When the district court denies relief on the merits, a prisoner satisfies this standard by demonstrating that reasonable jurists would find that the district court's assessment of the constitutional claims is debatable or wrong. Slack v. McDaniel, 529 U.S. 473, 484 (2000); see Miller-El v. Cockrell, 537 U.S. 322, 336-38 (2003). 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. Slack, 529 U.S. at 484-85. We have independently reviewed the record and conclude that Satterfield has not made the requisite showing.

We have reviewed the record regarding Satterfield's § 3582(c) motion and affirm the court's order denying the motion

based on the reasoning of the district court. United States v. Satterfield, No. 5:04-cr-00173-D-1 (E.D.N.C. Jan. 19, 2010). Accordingly, we deny a certificate of appealability and dismiss the appeal as to the § 2255 motion and affirm the remainder of the order denying relief on the § 3582(c) motion. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED IN PART;
DISMISSED IN PART