

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 10-6794**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

CARL L. LINYARD,

Defendant - Appellant.

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**No. 10-6796**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

CARL L. LINYARD,

Defendant - Appellant.

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Appeals from the United States District Court for the District of South Carolina, at Beaufort. Sol Blatt, Jr., Senior District Judge. (9:03-cr-00620-SB-1; 9:08-cv-70045-SB)

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Submitted: September 30, 2010

Decided: October 8, 2010

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Before NIEMEYER, AGEE, and KEENAN, Circuit Judges.

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Affirmed in part; dismissed in part by unpublished per curiam opinion.

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Carl L. Linyard, Appellant Pro Se. Peter Thomas Phillips,  
Assistant United States Attorney, Charleston, South Carolina,  
for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Carl L. Linyard appeals the district court's order denying his motion for reduction of sentence pursuant to 18 U.S.C. § 3582(c) (2006). We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. United States v. Linyard, Nos. 9:03-cr-00620-SB-1 & 9:08-cv-70045-SB (D.S.C. May 12, 2010 & May 13, 2010).

The order from which Linyard appeals also denied his 28 U.S.C.A. § 2255 (West Supp. 2010) motion. The order 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 Linyard has not made the requisite showing. 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 the court and argument would not aid the decisional process.

AFFIRMED IN PART;  
DISMISSED IN PART