

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 11-6549

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

SHAWN SADLER, a/k/a Tangelifu M. Barber, a/k/a Carlos Watts,

Defendant - Appellant.

No. 12-6169

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

SHAWN SADLER, a/k/a Tangelifu M. Barber, a/k/a Carlos Watts,

Defendant - Appellant.

Appeals from the United States District Court for the District
of South Carolina, at Columbia. Cameron McGowan Currie,
District Judge. (3:04-cr-00330-CMC-5; 3:10-cv-70219-CMC)

Submitted: June 21, 2012

Decided: July 9, 2012

Before WILKINSON, KING, and DIAZ, Circuit Judges.

Affirmed in part and dismissed in part by unpublished per curiam opinion.

Shawn Sadler, Appellant Pro Se. William Kenneth Witherspoon, Assistant United States Attorney, Nancy Chastain Wicker, OFFICE OF THE UNITED STATES ATTORNEY, Columbia, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

In our initial consideration of Case No. 11-6549, we granted a certificate of appealability regarding whether Sadler's appellate counsel failed to advise him of his right to petition the Supreme Court for review after the conclusion of his direct appeal in this court. We reserved consideration of Sadler's remaining claims. On remand, the district court made additional findings of fact and determined that counsel did so advise Sadler. It thus denied Sadler relief under 28 U.S.C.A. § 2255 (West Supp. 2012). Sadler subsequently filed a notice of appeal of the district court's findings of fact, which was docketed as Case No. 12-6169. We consider the appeals in this consolidated proceeding and affirm the district court's denial of relief as to Sadler's claim of ineffectiveness regarding his right to petition the Supreme Court for review. We deny a certificate of appealability on his remaining claims and dismiss the appeals.

This court reviews de novo a district court's legal conclusions in denying a § 2255 motion. United States v. Linder, 552 F.3d 391, 395 (4th Cir. 2009). Finding no error in the district court's findings of fact or legal conclusions, we affirm as to Sadler's claim that he was not notified of his right to file a petition for certiorari in the Supreme Court.

As for Sadler's remaining claims, the district court's order is not appealable unless a circuit justice or judge issues a certificate of appealability. 28 U.S.C. § 2253(c)(1)(B) (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 Sadler has not made the requisite showing.

Accordingly, we affirm the denial of relief in Case No. 11-6549 as to counsel's ineffectiveness. We further deny a certificate of appealability as to all other claims and dismiss the remainder of Sadler's appeals. 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 AND
DISMISSED IN PART