

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 12-6121**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

TILDEN VARDEN HALL,

Defendant - Appellant.

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**No. 12-6122**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

TILDEN VARDEN HALL,

Defendant - Appellant.

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Appeals from the United States District Court for the Western District of Virginia, at Danville. Jackson L. Kiser, Senior District Judge. (4:09-cr-00011-JLK-RSB-1; 4:11-cv-80385-JLK-RSB)

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Submitted: May 24, 2012

Decided: May 30, 2012

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Before MOTZ and DAVIS, Circuit Judges, and HAMILTON, Senior  
Circuit Judge

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No. 12-6121, affirmed; No. 12-6122, dismissed by unpublished per  
curiam opinion.

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Tilden Varden Hall, Appellant Pro Se. Ronald Andrew Bassford,  
Assistant United States Attorney, Roanoke, Virginia, for  
Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

In Case No. 12-6121, Tilden Varden Hall appeals the district court's order denying his motion for reduction of sentence. We have reviewed the record and find no reversible error. We therefore affirm for the reasons stated by the district court. United States v. Hall, No. 4:09-cr-00011-JLK-RSB-1 (W.D. Va. Jan. 3, 2012).

In Case No. 12-6122, Hall seeks to appeal the district court's order dismissing without prejudice his conditionally filed 28 U.S.C.A. § 2255 (West Supp. 2011) motion. The 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 Hall 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.

No. 12-6121, AFFIRMED  
No. 12-6122, DISMISSED