

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 13-6805**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

TERRY RANDALL BELK,

Defendant - Appellant.

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Appeal from the United States District Court for the District of South Carolina, at Anderson. Henry M. Herlong, Jr., Senior District Judge. (8:11-cr-00337-HMH-1; 8:13-cv-00318-HMH)

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Submitted: September 26, 2013                      Decided: September 30, 2013

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Before SHEDD, DUNCAN, and WYNN, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Terry Randall Belk, Appellant Pro Se. Maxwell B. Cauthen, III, Assistant United States Attorney, Greenville, South Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Terry Randall Belk seeks to appeal the district court's orders denying relief on his 28 U.S.C.A. § 2255 (West Supp. 2013) motion and his motion to alter or amend that judgment. See Fed. R. Civ. P. 59(e). These orders are not appealable unless a circuit justice or judge issues a certificate of appealability. 28 U.S.C. § 2253(c)(1)(B) (2006); Reid v. Angelone, 369 F.3d 363, 369 (4th Cir. 2004). 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).

We have independently reviewed the record and conclude that Belk has not made the requisite showing. Accordingly, we grant his motion to take judicial notice of Alleyne v. United States, 133 S. Ct. 2151 (2013), and Descamps v. United States, 133 S. Ct. 2276 (2013),\* deny a certificate of appealability, and

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\* We conclude that, even in light of these two recent Supreme Court cases, Belk has failed to meet the standard for the issuance of a certificate of appealability.

dismiss the appeal. 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.

DISMISSED