

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 13-7030**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

SOLOMON N. POWELL,

Defendant - Appellant.

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Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. James R. Spencer, District Judge. (3:07-cr-00324-JRS-1; 3:12-cv-00023-JRS)

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Submitted: May 30, 2014

Decided: June 9, 2014

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Before WILKINSON, SHEDD, and DUNCAN, Circuit Judges.

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Affirmed in part, dismissed in part by unpublished per curiam opinion.

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Solomon N. Powell, Appellant Pro Se. Michael Ronald Gill, Assistant United States Attorney, Richmond, Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Solomon N. Powell seeks to appeal the district court's order denying relief on his 28 U.S.C. § 2255 (2012) motion, denying his 18 U.S.C. § 3582(c)(2) (2012) motion for a sentence reduction, and denying his motion for reduction of restitution. Finding no reversible error, we affirm the portions of the district court's order denying Powell's motions for a sentence reduction and for reduction of restitution. United States v. Powell, Nos. 3:07-cr-00324-JRS-1; 3:12-cv-00023-JRS (E.D. Va. Mar. 20, 2013).

The portion of the district court's order denying relief on Powell's § 2255 motion is not appealable unless a circuit justice or judge issues a certificate of appealability. 28 U.S.C. § 2253(c)(1)(B) (2012). 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) (2012). 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 Powell has not made the requisite showing. Accordingly, we deny a certificate of appealability and dismiss the appeal of the portion of the district court's order denying relief on Powell's § 2255 motion. We also deny Powell's motion to include the documents attached to the misrouted notice of appeal, as those documents are already in the record.

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.

AFFIRMED IN PART;  
DISMISSED IN PART