

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 14-6846

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

SEAN FONTAE WHITLEY,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. Malcolm J. Howard, Senior District Judge. (5:04-cr-00166-H-1; 5:14-cv-00174-H)

Submitted: October 15, 2014

Decided: October 22, 2014

Before WILKINSON, KING, and SHEDD, Circuit Judges.

Dismissed in part; affirmed in part by unpublished per curiam opinion.

Sean Fontae Whitley, Appellant Pro Se. Ethan A. Ontjes, Assistant United States Attorney, Shailika K. Shah, OFFICE OF THE UNITED STATES ATTORNEY, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Sean Fontae Whitley, a federal prisoner, seeks to appeal the district court's order dismissing his petition for a writ of habeas corpus. In the petition, Whitley asserted he was entitled to relief under 28 U.S.C. § 2255 (2012), and alternatively, under 28 U.S.C. § 2241 (2012), for a writ of error coram nobis, or for a writ of audita querela. The district court dismissed Whitley's § 2255 motion as successive and denied his alternate claims. We dismiss in part and affirm in part.

To the extent that Whitley seeks to appeal the district court's dismissal of his § 2255 motion, we conclude that he has failed to make the requisite showing for a certificate of appealability. See 28 U.S.C. § 2253(c)(1)(B) (2012); Miller-El v. Cockrell, 537 U.S. 322, 336-38 (2003); Slack v. McDaniel, 529 U.S. 473, 484-85 (2000); United States v. Winestock, 340 F.3d 200, 205-06 (4th Cir. 2003). Accordingly, we deny a certificate of appealability and dismiss this portion of the appeal.

To the extent that Whitley appeals the district court's denial of his alternate claims, we have reviewed the record and find no reversible error. Accordingly, we affirm the denial for the reasons stated by the district court. See United States v. Whitley, No. 5:04-cr-00166-H-1; 5:14-cv-00174-H

(E.D.N.C. April 16, 2014). 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 IN PART;
AFFIRMED IN PART