

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 14-7757**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

CARL L. LINYARD, a/k/a Gus, a/k/a Big Kahuna, a/k/a Kahuna,

Defendant - Appellant.

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Appeal from the United States District Court for the District of South Carolina, at Beaufort. Solomon Blatt, Jr., Senior District Judge. (9:03-cr-00620-SB-1; 9:13-cv-02658-SB)

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Submitted: March 17, 2015

Decided: March 20, 2015

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Before WILKINSON and KING, Circuit Judges, and DAVIS, Senior Circuit Judge.

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Affirmed in part and dismissed in part by unpublished per curiam opinion.

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Carl L. Linyard, Appellant Pro Se. Robert Nicholas Bianchi, OFFICE OF THE UNITED STATES ATTORNEY, Charleston, South Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Carl L. Linyard seeks to appeal the district court's order granting relief on his motion for reduction of his sentence, under 18 U.S.C. § 3582(c)(2) (2012), and denying, as successive, his 28 U.S.C. § 2255 (2012) motion. Linyard does not allege error regarding his § 3582 relief. Thus we affirm this part of the appeal for the reasons stated by the district court. United States v. Linyard, Nos. 9:03-cr-00620-SB-1; 9:13-cv-02658-SB (D.S.C. Nov. 17, 2014).

Regarding Linyard's § 2255 motion, he cannot appeal 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 Linyard 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 this court and argument would not aid the decisional process.

AFFIRMED IN PART;  
DISMISSED IN PART