

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 15-6582**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ROBERT EARL HAIRSTON, a/k/a Showtime,

Defendant - Appellant.

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Appeal from the United States District Court for the Western District of North Carolina, at Statesville. Richard L. Voorhees, District Judge. (5:99-cr-00011-RLV-3; 5:12-cv-00021-RLV)

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Submitted: August 25, 2015

Decided: August 31, 2015

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Before GREGORY and THACKER, Circuit Judges, and DAVIS, Senior Circuit Judge.

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Dismissed by unpublished per curiam opinion.

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Robert Earl Hairston, Appellant Pro Se. Amy Elizabeth Ray, Assistant United States Attorney, Asheville, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Robert Earl Hairston seeks to appeal the district court's order denying relief on his 28 U.S.C. § 2255 (2012) 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) (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 Hairston has not made the requisite showing. Accordingly, we

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\* We previously reversed the district court's order dismissing Hairston's § 2255 motion as an unauthorized, successive motion and remanded for further proceedings. United States v. Hairston, 754 F.3d 258, 258-59, 262 (4th Cir. 2014).

deny a certificate of appealability, deny Hairston's motion to expedite decision, 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.

DISMISSED