UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-6744

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

OWEN ODDMAN, a/k/a Owen Odman, a/k/a Charles Llewlyn, a/k/a Star,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of North Carolina, at Shelby. Martin K. Reidinger, District Judge. (4:96-cr-00053-MR-1)

Submitted: October 18, 2016 Decided: October 21, 2016

Before WILKINSON, KING, and FLOYD, Circuit Judges.

Dismissed in part; affirmed in part by unpublished per curiam opinion.

Owen Oddman, Appellant Pro Se. Jill Westmoreland Rose, United States Attorney, Elizabeth Margaret Greenough, Adam Christopher Morris, OFFICE OF THE UNITED STATES ATTORNEY, Charlotte, North Carolina; Richard Lee Edwards, Amy Elizabeth Ray, Assistant United States Attorneys, Asheville, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Owen Oddman appeals from the district court's order denying relief on his motion to correct the record, Fed. R. Crim. P. 36, which the court construed, in part, as a 28 U.S.C. § 2255 (2012) motion. To the extent that the district court denied relief on Oddman's Rule 36 motion, we affirm for the reasons stated by the district court. United States v. Oddman, No. 4:96-cr-00053-MR-1 (W.D.N.C. Apr. 5, 2016; Apr. 22, 2016).

To the extent that Oddman seeks to appeal the district court's order denying relief on § 2255 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 Oddman 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.

DISMISSED IN PART;
AFFIRMED IN PART