

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 22-6881

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JAMES LATRON SUMTER, a/k/a T,

Defendant - Appellant.

No. 22-6884

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JAMES LATRON SUMTER, a/k/a T,

Defendant - Appellant.

Appeals from the United States District Court for the District of South Carolina, at
Florence. R. Bryan Harwell, Chief District Judge. (4:18-cr-00772-RBH-1; 4:21-cv-
00079-RBH)

Submitted: April 28, 2023

Decided: August 25, 2023

Before GREGORY and RUSHING, Circuit Judges, and KEENAN, Senior Circuit Judge.

No. 22-6881, dismissed; No. 22-6884, affirmed by unpublished per curiam opinion.

James Latron Sumter, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

James Latron Sumter seeks to appeal the district court's order denying relief on his 28 U.S.C. § 2255 motion (No. 22-6881) and denying his postjudgment motion to dismiss the indictment (No. 22-6884). The denial of Sumter's § 2255 motion is not appealable unless a circuit justice or judge issues a certificate of appealability. *See* 28 U.S.C. § 2253(c)(1)(B). 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). When the district court denies relief on the merits, a prisoner satisfies this standard by demonstrating that reasonable jurists could find the district court's assessment of the constitutional claims debatable or wrong. *See Buck v. Davis*, 580 U.S. 100, 115-17 (2017). 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. *Gonzalez v. Thaler*, 565 U.S. 134, 140-41 (2012) (citing *Slack v. McDaniel*, 529 U.S. 473, 484 (2000)).

We have independently reviewed the record and conclude that Sumter has not made the requisite showing. Accordingly, we deny a certificate of appealability and dismiss the appeal as to the district court's denial of Sumter's § 2255 motion. As to Sumter's appeal of the denial of his motion to dismiss the indictment, we have reviewed the district court's decision and discern no reversible error. We therefore affirm that portion of the district court's order.

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.

No. 22-6881, DISMISSED
No. 22-6884, AFFIRMED