

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 12-7075

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ADEWALE JOHNSON ALADEKOBABA, a/k/a Jay Johnson, a/k/a Orlando
Percival McGregory, a/k/a Wally,

Defendant - Appellant.

Appeal from the United States District Court for the District of
Maryland, at Baltimore. William M. Nickerson, Senior District
Judge. (1:93-cr-00018-WMN-3; 1:12-cv-00924-WMN)

Submitted: November 2, 2012

Decided: November 6, 2012

Before WILKINSON, KEENAN, and THACKER, Circuit Judges.

Affirmed in part; dismissed in part by unpublished per curiam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

Adewale Johnson Aladekoba, Appellant Pro Se. Roann Nichols,
OFFICE OF THE UNITED STATES ATTORNEY, Baltimore, Maryland, for
Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Adewale Johnson Aladekoba appeals the district court's order denying his 18 U.S.C.A. § 3582(c)(1)(B) (West Supp. 2011) motion for sentence reduction to the extent otherwise permitted by 28 U.S.C.A. § 2255 (West Supp. 2012). We have reviewed the record and find no reversible error as to the denial of relief under 18 U.S.C.A. § 3582(c)(1)(B). Accordingly, we affirm that portion of the order for the reasons stated by the district court. United States v. Aladekoba, Nos. 1:93-cr-00018-WMN-3; 1:12-cv-00924-WMN (D. Md. June 5, 2012).

The district court also considered Aladekoba's motion to the extent it was intended as a 28 U.S.C.A. § 2255 motion, and dismissed it as successive. This portion of the order is not appealable unless a circuit justice or judge issues a certificate of appealability. 28 U.S.C. § 2253(c)(1)(B) (2006). 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) (2006). 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 Aladekoba has not made the requisite showing. Accordingly, we deny a certificate of appealability and dismiss the portion of the appeal related to § 2255 relief.

We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED IN PART;
DISMISSED IN PART