

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-6809

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

LARRY EUGENE MORRISON, a/k/a Craig Winner, a/k/a Silvio
Ducati, a/k/a Cali, a/k/a Gene, a/k/a Jack,

Defendant - Appellant.

No. 13-6929

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

LARRY EUGENE MORRISON, a/k/a Craig Winner, a/k/a Silvio
Ducati, a/k/a Cali, a/k/a Gene, a/k/a Jack,

Defendant - Appellant.

Appeals from the United States District Court for the Western
District of North Carolina, at Statesville. Richard L.
Voorhees, District Judge. (5:06-cr-00044-RLV-CH-1; 5:11-cv-
00132-RLV)

Submitted: September 30, 2013

Decided: October 7, 2013

Before NIEMEYER, GREGORY, and DAVIS, Circuit Judges.

Dismissed in part; affirmed in part by unpublished per curiam opinion.

Larry Eugene Morrison, Appellant Pro Se. Thomas Richard Ascik, Assistant United States Attorney, Asheville, North Carolina; Thomas A. O'Malley, OFFICE OF THE UNITED STATES ATTORNEY, Charlotte, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Larry Eugene Morrison seeks to appeal the district court's orders denying relief on his 28 U.S.C.A. § 2255 (West Supp. 2013) motion, and denying his motion to compel. The order denying Morrison's § 2255 motion 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 Morrison has not made the requisite showing. Accordingly, we deny a certificate of appealability and dismiss the appeal of the district court's order denying habeas relief. Likewise, we have reviewed the record and Morrison's claims with regard to

the denial of his motion to compel and find no reversible error. We therefore affirm the district court's order denying that motion. We deny Morrison's motions for bail, to expedite, to appoint counsel and for a transcript at government expense. Finally, 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