

UNPUBLISHEDUNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-7075

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

CHANEL ELEASE FAISON, a/k/a Chanel Faison Faison,

Defendant - Appellant.

No. 16-7112

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

CHANEL ELEASE FAISON, a/k/a Chanel Faison Faison,

Defendant - Appellant.

Appeals from the United States District Court for the Eastern District of Virginia, at
Newport News. Rebecca Beach Smith, Senior District Judge. (4:12-cr-00004-RBS-TEM-
2; 4:16-cv-00123-RBS)

Submitted: September 16, 2021

Decided: October 6, 2021

Before WILKINSON, WYNN, and QUATTLEBAUM, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Frances H. Pratt, Assistant Federal Public Defender, OFFICE OF THE FEDERAL PUBLIC DEFENDER, Alexandria, Virginia, for Appellant. Aidan Taft Grano-Mickelsen, Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Alexandria, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

In these consolidated appeals, Chanel Elease Faison seeks to appeal the district court's July 7, 2016, order dismissing her 28 U.S.C. § 2255 motion as successive and unauthorized and its August 12, 2016, order denying relief on her refiled 28 U.S.C. § 2255 motion. We dismiss the appeals.

Initially, Faison has already received any relief that she could have obtained through her appeal of the July 7 order, as the district court subsequently considered and ruled on the merits of her refiled § 2255 motion after we granted prefiling authorization. Thus, as Faison candidly acknowledges, her appeal of the July 7 order is moot. *See Catawba Riverkeeper Found. v. N.C. Dep't of Transp.*, 843 F.3d 583, 588 (4th Cir. 2016) ("A case becomes moot, and thus deprives federal courts of subject matter jurisdiction, when the issues presented are no longer 'live' or the parties lack a legally cognizable interest in the outcome." (internal quotation marks omitted)).

The August 12 order 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*, 137 S. Ct. 759, 773-74 (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 Faison has not made the requisite showing.

Accordingly, we deny a certificate of appealability with respect to the August 12 order and dismiss both appeals. 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