

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 18-6026

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

SHEILA CLARK LEWIS,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Norfolk. Robert G. Doumar, Senior District Judge. (2:14-cr-00088-RGD-TEM-2; 2:16-cv-00543-RGD)

Submitted: March 13, 2018

Decided: March 16, 2018

Before NIEMEYER, KING, and WYNN, Circuit Judges.

Dismissed in part, affirmed in part by unpublished per curiam opinion.

Sheila Clark Lewis, Appellant Pro Se. Randy Carl Stoker, Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Norfolk, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Sheila Clark Lewis seeks to appeal the district court's order dismissing as untimely her 28 U.S.C. § 2255 (2012) motion and denying her request for her sentences to run concurrently.

The denial of Lewis' 28 U.S.C. § 2255 motion 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 Lewis has not made the requisite showing. Accordingly, we deny a certificate of appealability and dismiss the appeal as to this claim.

The district court also construed Lewis' request for her federal sentences to run concurrently to one another and to her prior state sentence as a request for a sentence reduction pursuant to 18 U.S.C. § 3582(c) (2012), and denied the request. We have reviewed the record and find no reversible error. *United States v. Lewis*, No. 2:14-cr-

00088-RGD-TEM-2 (E.D. Va. Nov. 20, 2017). Accordingly, we affirm the district court's order as to this claim.

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*