

UNPUBLISHEDUNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 20-7351

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

UNDER SEAL,

Defendant - Appellant.

No. 20-7352

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

UNDER SEAL,

Defendant - Appellant.

No. 21-6099

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

UNDER SEAL,

Defendant - Appellant.

No. 21-6100

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

UNDER SEAL,

Defendant - Appellee.

Appeals from the United States District Court for the Eastern District of North Carolina, at Wilmington and Greenville. James C. Dever III, District Judge. (7:07-cr-00010-D-1; 4:15-cr-00070-D-1; 4:20-cv-00003-D)

Submitted: July 27, 2021

Decided: August 20, 2021

Before GREGORY, Chief Judge, KEENAN, Circuit Judge, and SHEDD, Senior Circuit Judge.

Nos. 20-7351, 21-6099, 21-6100, affirmed; No. 20-7352, affirmed in part and dismissed in part by unpublished per curiam opinion.

Under Seal, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

In these consolidated appeals, Appellant challenges the district court's orders denying relief on multiple postjudgment motions arising out of a 2007 criminal judgment for possession with intent to distribute more than five grams of cocaine base ("crack"), and quantities of cocaine, heroin, and methylenedioxymethamphetamine, in violation of 21 U.S.C. § 841(a)(1)—and the subsequent revocation of supervised release—and a criminal judgment entered in 2017 for possession with intent to distribute cocaine, heroin, and 3,4 methylenedioxy-N-ethylcathinone, in violation of 21 U.S.C. § 841(a)(1). For the reasons that follow, we affirm in Appeal Nos. 20-7351, 21-6099, and 21-6100, and affirm in part and deny a certificate of appealability and dismiss in part in Appeal No. 20-7352.

Appellant's four appeals collectively challenge the denial of his motions for a reduction in sentence pursuant to Section 404 of the First Step Act of 2018, Pub. L. No. 115-391, 132 Stat. 5194 ("the First Step Act"), for compassionate release under 18 U.S.C. § 3582(c)(1)(A), as amended by Section 603(b)(1) of the First Step Act, to seal materials in the records, and to expedite. Having reviewed the records and finding no reversible error, we affirm the district court's orders denying these motions.

In Appeal No. 20-7352, Appellant also seeks to appeal the district court's denial of relief on his 28 U.S.C. § 2255 motion challenging his 2017 criminal judgment. The denial of § 2255 relief 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 Appellant has not made the requisite showing. Accordingly, in Appeal No. 20-7352, we deny a certificate of appealability and dismiss the appeal as to the denial of § 2255 relief.

Accordingly, we affirm in part and dismiss in part in Appeal No. 20-7352, and we affirm in Appeal Nos. 20-7351, 21-6099, and 21-6100. We grant Appellant's sealed motion for judicial notice and deny Appellant's other pending sealed motions. 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.

*NOS. 20-7351, 21-6099, AND 21-6100, AFFIRMED;
NO. 20-7352, AFFIRMED IN PART AND DISMISSED IN PART*