

UNPUBLISHEDUNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 23-7264

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

LEONUS STEVENSON PETERSON, a/k/a Doe, a/k/a Doughboy,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. John A. Gibney, Jr., Senior District Judge. (3:18-cr-00090-JAG-1; 3:22-cv-00502-JAG)

Submitted: April 18, 2024

Decided: April 22, 2024

Before WILKINSON, NIEMEYER, and THACKER, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Leonus Stevenson Peterson, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Leonus Stevenson Peterson seeks to appeal the district court's order denying relief on his 28 U.S.C. § 2255 motion. The 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*, 580 U.S. 100, 115-17 (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 Peterson has not made the requisite showing. In particular, we conclude that reasonable jurists could not debate the district court's rejection of Peterson's claims of ineffective assistance of counsel as meritless. Similarly, reasonable jurists could not debate the district court's conclusion that Peterson's challenge to his sentence was not cognizable in a § 2255 motion. *See United States v. Foote*, 784 F.3d 931, 936-43 (4th Cir. 2015) (discussing cognizability of sentencing challenges brought under § 2255). Finally, because "the motion and the files and records of the case conclusively show that [Peterson was] entitled to no relief," the district court did not err by denying Peterson's motion without holding an evidentiary

hearing. 28 U.S.C. § 2255(b). Accordingly, we deny a certificate of appealability and dismiss the appeal. 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