

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 14-7890**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JOHNNY LEE WESLEY,

Defendant - Appellant.

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Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Henry Coke Morgan, Jr., Senior District Judge. (1:97-cr-00382-HCM-2)

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Submitted: March 17, 2015

Decided: March 20, 2015

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Before WILKINSON and KING, Circuit Judges, and DAVIS, Senior Circuit Judge.

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Affirmed in part, dismissed in part by unpublished per curiam opinion.

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Johnny Lee Wesley, Appellant Pro Se. James L. Trump, Assistant United States Attorney, Alexandria, Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Johnny Lee Wesley seeks to appeal the district court's order denying relief on his petition for writ of error coram nobis and denying as successive his 28 U.S.C. § 2255 (2012) motion. Regarding Wesley's petition for writ of error coram nobis, we have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. United States v. Wesley, No. 1:97-cr-00382-HCM-2 (E.D. Va. Oct. 29, 2014).

Regarding Wesley's appeal of the § 2255 motion, the order 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 Wesley has not made the requisite showing. Accordingly, we deny a certificate of appealability and dismiss the appeal of the § 2255 motion. 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.

AFFIRMED IN PART, DISMISSED IN PART