

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 17-7585**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

CHARLES JERMAINE KING, JR., a/k/a Zig-Lah, a/k/a Ziggy, a/k/a Charles  
Jermaine King, Jr.,

Defendant - Appellant.

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Appeal from the United States District Court for the Western District of Virginia, at  
Abingdon. James P. Jones, District Judge. (1:08-cr-00041-JPJ-RSB-1; 1:17-cv-81292-  
JPJ-RSB)

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Submitted: April 19, 2018

Decided: May 16, 2018

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Before NIEMEYER, KING, and KEENAN, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Charles Jermaine King, Jr., Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

## PER CURIAM:

Charles Jermaine King seeks to appeal the district court's orders denying relief on his 28 U.S.C. § 2255 (2012) motion and denying reconsideration.\* 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 King has not made the requisite showing. Accordingly, we deny a certificate of appealability and dismiss the appeal. We dispense with oral argument because the facts and legal contentions are

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\* Although the district court should have construed King's motion as a motion pursuant to Fed. R. Civ. P. 59(e) rather than Fed. R. Civ. P. 60(b), and denied it rather than dismissed it, see *MLC Auto., LLC v. Town of S. Pines*, 532 F.3d 269, 277 (4th Cir. 2008), as we conclude that King's motion was nonetheless without merit, we also conclude that King is not entitled to a certificate of appealability regarding the denial of his motion for reconsideration.

adequately presented in the materials before this court and argument would not aid the decisional process.

*DISMISSED*