

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

United States v. Raymond Alan Griffin

Griffin · No. 23-6069 · Decided June 27, 2023

SUMMARY

The United States Court of Appeals for the Fourth Circuit dismissed Raymond Alan Griffin’s appeal from the denial of his 28 U.S.C. § 2255 motion. The court denied a certificate of appealability, concluding that Griffin had not made the required substantial showing of the denial of a constitutional right.

CASE DETAILS

COURT	United States Court of Appeals for the Fourth Circuit
WRITING FOR THE COURT	Judge Harris; Judge Heytens; Senior Judge Traxler
JURISDICTION	Federal
DECIDED	June 27, 2023
DOCKET	23-6069
DISPOSITION	dismissed
PROCEDURAL POSTURE	Griffin appealed the Eastern District of North Carolina's order denying relief on his 28 U.S.C. § 2255 motion and sought a certificate of appealability.
STANDARD OF REVIEW	To obtain a certificate of appealability, a prisoner must make a substantial showing of the denial of a constitutional right. When relief was denied on the merits, the prisoner must show that reasonable jurists could debate whether the district court's assessment of the constitutional claims was debatable or wrong. When relief was denied on procedural grounds, the prisoner must show both that the procedural ruling is debatable and that the motion states a debatable constitutional claim.
PRECEDENTIAL VALUE	Unpublished; not binding precedent in the Fourth Circuit
PARTIES	Raymond Alan Griffin v. United States of America

TOPICS

- federal habeas corpus
- post-conviction relief
- appellate procedure
- standard of review

PRACTICE AREAS

Federal habeas corpus

Post-conviction relief

Criminal appellate procedure

QUESTIONS PRESENTED

1. Whether Griffin was entitled to a certificate of appealability from the denial of his 28 U.S.C. § 2255 motion.
2. Whether the appeal should be dismissed after Griffin failed to make a substantial showing of the denial of a constitutional right.

HOLDINGS

1. An appeal from the denial of a § 2255 motion is not appealable unless a circuit justice or judge issues a certificate of appealability.
2. Griffin did not make the requisite substantial showing of the denial of a constitutional right and was therefore not entitled to a certificate of appealability.

KEY QUOTATIONS

“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.”
(2)

“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.” (2)

FACTUAL BACKGROUND

Griffin sought post-conviction relief under 28 U.S.C. § 2255. The district court denied his motion, and he sought appellate review. The Fourth Circuit independently reviewed the record and concluded that Griffin had not made the showing required for a certificate of appealability.

PROCEDURAL HISTORY

Griffin filed a motion under 28 U.S.C. § 2255 in the United States District Court for the Eastern District of North Carolina. The district court denied relief, and Griffin appealed. The Fourth Circuit denied a certificate of appealability and dismissed the appeal.

DISPOSITION

dismissed

CASES CITED

- Buck v. Davis, 580 U.S. 100, 115-17 (2017)

- Gonzalez v. Thaler, 565 U.S. 134, 140-41 (2012)
- Slack v. McDaniel, 529 U.S. 473, 484 (2000)

OPINION

United States v. Raymond Griffin

PER CURIAM.

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UNPUBLISHED

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

No. 23-6069

UNITED STATES OF AMERICA,

Plaintiff - Appellee, v.

RAYMOND ALAN GRIFFIN,

Defendant - Appellant. Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. Louise W. Flanagan, District Judge. (5:18-cr-00096-FL-1; 5:21-cv-00140-FL) Submitted: June 22, 2023 Decided: June 27, 2023 Before HARRIS and HEYTENS, Circuit Judges, and TRAXLER, Senior Circuit Judge. Dismissed by unpublished per curiam opinion. Raymond Alan Griffin, Appellant Pro Se. Unpublished opinions are not binding precedent in this circuit. USCA4 Appeal: 23-6069 Doc: 11 Filed: 06/27/2023 Pg: 2 of 2 PER CURIAM: Raymond Alan Griffin 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 Griffin 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 adequately presented in the materials before this court and argument would not aid the decisional process.

DISMISSED