

APPENDIX "A"

FILED: October 3, 2018

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 18-6171
(7:10-cr-00066-D-1)
(7:14-cv-00225-D)

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

LARRY JUNIOR COPELAND, a/k/a La-la

Defendant - Appellant

JUDGMENT

In accordance with the decision of this court, a certificate of appealability is denied and the appeal is dismissed.

This judgment shall take effect upon issuance of this court's mandate in accordance with Fed. R. App. P. 41.

/s/ PATRICIA S. CONNOR, CLERK

UNPUBLISHED

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

No. 18-6171

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

LARRY JUNIOR COPELAND, a/k/a La-la,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Wilmington. James C. Dever III, Chief District Judge. (7:10-cr-00066-D-1; 7:14-cv-00225-D)

Submitted: September 24, 2018

Decided: October 3, 2018

Before MOTZ, DUNCAN, and WYNN, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Larry Junior Copeland, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Larry Junior Copeland seeks to appeal the district court's order denying relief on his 28 U.S.C. § 2255 (2012) 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 Copeland 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

APPENDIX "B"

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
No. 7:10-CR-66-D
No. 7:14-CV-225-D

LARRY JUNIOR COPELAND,)
Petitioner,)
v.) ORDER
UNITED STATES OF AMERICA,)
Respondent.)

On October 10, 2014, Larry Junior Copeland ("Copeland") moved under 28 U.S.C. § 2255 to vacate, set aside, or correct his 216-month sentence [D.E. 53]. On January 22, 2018, the court dismissed Copeland's section 2255 motion, denied Copeland's motion for appointment of counsel, and denied a certificate of appealability [D.E. 83]. On February 21, 2018, Copeland filed a notice of appeal [D.E. 85]. On October 3, 2018, the United States Court of Appeals for the Fourth Circuit dismissed Copeland's appeal [D.E. 91] and entered its judgment [D.E. 92].

On April 30, 2018, Copeland filed a motion for reconsideration [D.E. 90]. Copeland's motion is successive, and the Fourth Circuit has not authorized the motion. Accordingly, the court lacks subject-matter jurisdiction over Copeland's motion for reconsideration. See, e.g., 28 U.S.C. § 2255(h); Burton v. Stewart, 549 U.S. 147, 152–53 (2007) (per curiam); In re Williams, 364 F.3d 235, 238 (4th Cir. 2004); United States v. Winestock, 340 F.3d 200, 205–07 (4th Cir. 2003). Alternatively, if the court has jurisdiction, the motion lacks merit and is denied.

In sum, the court DISMISSES Copeland's motion for reconsideration [D.E. 90], and DENIES a certificate of appealability.

SO ORDERED. This 4 day of October 2018.

J. Dever
JAMES C. DEVER III
Chief United States District Judge

APPENDIX "C"

Supreme Court of the United States
Office of the Clerk
Washington, DC 20543-0001

Scott S. Harris
Clerk of the Court
(202) 479-3011

December 11, 2018

Mr. Larry Junior Copeland
Prisoner ID # 53911-056
F.C.I. Coleman Low
P.O. Box 1031
Coleman, FL 33521-1031

Re: Larry Junior Copeland, aka La-La
v. United States
Application No. 18A607

Dear Mr. Copeland:

The application for an extension of time within which to file a petition for a writ of certiorari in the above-entitled case has been presented to The Chief Justice, who on December 11, 2018, extended the time to and including March 2, 2019.

This letter has been sent to those designated on the attached notification list.

Sincerely,

Scott S. Harris, Clerk

by 
Melissa Blalock
Case Analyst

**Additional material
from this filing is
available in the
Clerk's Office.**