

FILED: October 12, 2021

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 20-6135 (L)
(7:01-cr-00027-BO-1)
(7:18-cv-00053-BO)

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

JOHN DOE

Defendant - Appellant

No. 20-7470
(7:01-cr-00027-BO-1)
(7:18-cv-00053-BO)

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

JOHN DOE

Defendant – Appellant

O R D E R

The court denies the petition for rehearing and rehearing en banc. No judge requested a poll under Fed. R. App. P. 35 on the petition for rehearing en banc.

Entered at the direction of the panel: Judge King, Judge Agee, and Judge Floyd.

For the Court

/s/ Patricia S. Connor, Clerk

ON REHEARING

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 20-6135

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JOHN DOE,

Defendant - Appellant.

No. 20-7470

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JOHN DOE,

Defendant - Appellant.

Appeals from the United States District Court for the Eastern District of North Carolina, at
Wilmington. Terrence W. Boyle, District Judge. (7:01-cr-00027-BO-1; 7:18-cv-00053-
BO)

Submitted: July 16, 2021

Decided: August 5, 2021

Before KING, AGEE, and FLOYD, Circuit Judges.

Affirmed in part and dismissed in part by unpublished per curiam opinion.

John Doe, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

John Doe appeals the district court's orders denying his Fed. R. Civ. P. 60(b) motion for relief from the district court's prior order dismissing his 28 U.S.C. § 2255 motion, denying his motion to seal, denying his motions to proceed by pseudonym, and denying reconsideration. First addressing the motions to seal and to proceed by pseudonym, we have reviewed the record and find no reversible error. Accordingly, we affirm these portions of the district court's orders.

Turning to the portions of the district court's orders denying Doe's Rule 60(b) motion and denying reconsideration, these portions of the orders are not appealable unless a circuit justice or judge issues a certificate of appealability. 28 U.S.C. § 2253(c)(1)(B). *See generally United States v. McRae*, 793 F.3d 392, 400 & n.7 (4th Cir. 2015). 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 would find the district court's assessment of the constitutional claims debatable or wrong. *See Buck v. Davis*, 137 S. Ct. 759, 773-74 (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 Doe has not made the requisite showing. Accordingly, we deny a certificate of appealability and dismiss this

portion of the appeal. We deny Doe's motions to recuse. 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*