

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 02-7120

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DONALD J. TYNER,

Petitioner - Appellant,

versus

FRANK C. SIZER, JR., Warden; ATTORNEY GENERAL  
FOR THE STATE OF MARYLAND,

Respondents - Appellees.

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Appeal from the United States District Court for the District of  
Maryland, at Baltimore. Benson E. Legg, District Judge. (CA-00-  
1426-L)

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Submitted: December 19, 2002

Decided: December 31, 2002

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Before WILKINS and KING, Circuit Judges, and HAMILTON, Senior  
Circuit Judge.

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Dismissed by unpublished per curiam opinion.

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Donald J. Tyner, Appellant Pro Se. John Joseph Curran, Jr.,  
Attorney General, Mary Ann Rapp Ince, OFFICE OF THE ATTORNEY  
GENERAL OF MARYLAND, Baltimore, Maryland, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.  
See Local Rule 36(c).

PER CURIAM:

Donald J. Tyner seeks to appeal the district court's order denying relief on his petition filed under 28 U.S.C. § 2254 (2000). An appeal may not be taken from the final order in a habeas corpus proceeding unless a circuit justice or judge issues a certificate of appealability. 28 U.S.C. § 2253(c)(1) (2000). A certificate of appealability will not issue for claims addressed by a district court on the merits absent "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2) (2000); see Rose v. Lee, 252 F.3d 676, 683 (4th Cir.), cert. denied, 122 S. Ct. 318 (2001). We have reviewed the record and conclude for the reasons stated by the district court that Tyner has not made the requisite showing. See Tyner v. Sizer, No. CA-00-1426-L (D. Md. June 28, 2002). 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 the court and argument would not aid the decisional process.

DISMISSED