

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 02-7376

WILLIAM HARRISON,

Petitioner - Appellant,

versus

RONALD JONES, Superintendent,

Respondent - Appellee.

Appeal from the United States District Court for the Western District of North Carolina, at Statesville. Graham C. Mullen, Chief District Judge. (CA-99-109-5-2-MU)

Submitted: January 24, 2003

Decided: February 10, 2003

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

Dismissed by unpublished per curiam opinion.

William Harrison, Appellant Pro Se. Diane Appelton Reeves, NORTH CAROLINA DEPARTMENT OF JUSTICE, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

William Harrison seeks to appeal the district court's order denying relief on his petition filed under 28 U.S.C. § 2254 (2000). To be entitled to a certificate of appealability, Harrison must make "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2) (2000). When a district court dismisses solely on procedural grounds, the petitioner "must demonstrate both (1) 'that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right,' and (2) 'that jurists of reason would find it debatable whether the district court was correct in its procedural ruling.'" Rose v. Lee 252 F.3d 676, 684 (4th Cir. 2001) (quoting Slack v. McDaniel, 529 U.S. 473 (2000)). Upon examination of Harrison's petition, we cannot conclude that reasonable jurists would find it debatable whether the district court correctly concluded the petition was untimely filed.* Accordingly, we deny a certificate of appealability and dismiss the appeal. See Harrison v. Jones, No. CA-99-109-5-2-MU (W.D.N.C. filed Aug. 30, 2002, entered Sept. 3, 2002). We dispense with oral argument because the facts and legal contentions are adequately presented in the

* Because the district court correctly found that Harrison's petition was time-barred, we do not address the court's additional holding that the petition was without merit.

materials before the court and argument would not aid the decisional process.

DISMISSED