

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 02-7644**

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CURTIS PATTERSON,

Petitioner - Appellant,

versus

COLIE L. RUSHTON, Warden; CHARLES M. CONDON,  
South Carolina Attorney General,

Respondents - Appellees.

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Appeal from the United States District Court for the District of  
South Carolina, at Columbia. Joseph F. Anderson, Jr., Chief  
District Judge. (CA-01-1984-9-17BG)

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Submitted: January 30, 2003

Decided: February 5, 2003

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Before WIDENER, NIEMEYER, and TRAXLER, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Marcia Gail Shein, LAW OFFICE OF MARCIA G. SHEIN, P.C., Decatur,  
Georgia, for Appellant. Donald John Zelenka, Chief Deputy Attorney  
General, Derrick K. McFarland, OFFICE OF THE ATTORNEY GENERAL OF  
SOUTH CAROLINA, Columbia, South Carolina, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Curtis Patterson seeks to appeal the district court's order accepting the recommendation of the magistrate judge and 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 § 2254 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 dismissed by a district court solely on procedural grounds unless the petitioner can 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.) (quoting Slack v. McDaniel, 529 U.S. 473, 484, 120 S.Ct. 1595 (2000)), cert. denied, \_\_\_ U.S. \_\_\_, 122 S. Ct. 318 (2001). We have reviewed the record and conclude for the reasons stated by the district court that Patterson has not made the requisite showing. See Patterson v. Rushton, No. CA-01-1984-9-17BG (D.S.C. Sept. 26, 2002). See Slack, 529 U.S. at 484, 120 S. Ct. 1595. Accordingly, we deny a certificate of appealability and dismiss the appeal. See 28 U.S.C. § 2253(c)(1)(B); Slack, 529 U.S. at 484, 120 S.Ct. 1595. 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