

Filed: April 4, 2003

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

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No. 02-7727  
(CA-02-1051-AM)

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Ahmad Muhammad,

Petitioner - Appellant,

versus

Joseph Brooks, Warden,

Respondent - Appellee.

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O R D E R

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The court amends its opinion filed March 12, 2003, as follows:

On the cover sheet, section 4 -- the decided date is corrected to read "March 13, 2003."

For the Court - By Direction

/s/ Patricia S. Connor  
Clerk

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 02-7727**

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AHMAD MUHAMMAD,

Petitioner - Appellant,

versus

JOSEPH BROOKS, Warden,

Respondent - Appellee.

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Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Leonie M. Brinkema, District Judge. (CA-02-1051-AM)

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Submitted: March 6, 2003

Decided: March 13, 2003

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Before WILKINSON, MICHAEL, and KING, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Ahmad Muhammad, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Ahmad Muhammad 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). When, as here, a district court dismisses a § 2254 petition solely on procedural grounds, a certificate of appealability will not issue 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 (2000)), cert. denied, 534 U.S. 941 (2001). We have independently reviewed the record and conclude that Muhammad has not made the requisite showing. Accordingly, we deny Muhammad's motion for a certificate of appealability and dismiss the appeal. See Miller-El v. Cockrell, \_\_\_ U.S. \_\_\_, 2003 WL 431659, \*10 (U.S. Feb. 25, 2003) (No. 01-7662). 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