

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 03-6068**

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LARRY SMOOT,

Petitioner - Appellant,

versus

ATTORNEY GENERAL FOR THE STATE OF MARYLAND;  
WARDEN, MARYLAND HOUSE OF CORRECTION - ANNEX,

Respondents - Appellees.

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Appeal from the United States District Court for the District of Maryland, at Baltimore. William M. Nickerson, Senior District Judge. (CA-02-979-WMN)

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Submitted: July 8, 2003

Decided: August 8, 2003

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Before WIDENER, LUTTIG, and KING, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Larry Smoot, Appellant Pro Se. Ann Norman Bosse, 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Unpublished opinions are not binding precedent in this circuit.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:

Larry M. Smoot, a state prisoner, 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 § 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 addressed by a district court absent "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2) (2000). A prisoner satisfies this standard by demonstrating that reasonable jurists would find that his constitutional claims are debatable and that any dispositive procedural rulings by the district court are also debatable or wrong. See Miller-El v. Cockrell, 537 U.S. 322 (2003); Slack v. McDaniel, 529 U.S. 473, 484 (2000); Rose v. Lee, 252 F.3d 676, 683 (4th Cir.), cert. denied, 534 U.S. 941 (2001). We have independently reviewed the record and conclude that Smoot has not made the requisite showing.\* Accordingly, we deny a certificate of appealability and dismiss the appeal. We dispense with oral argument because the facts and legal contentions are adequately

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\* We note that the district court erred in its failure to have the State serve Smoot with copies of its exhibits and to give Smoot the notice required pursuant to Roseboro v. Garrison, 528 F.2d 309, 310 (4th Cir. 1975). However, Smoot's failure to satisfy the requirements of 28 U.S.C. § 2253(c)(2) precludes us from issuing a certificate of appealability.

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

DISMISSED