

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 03-6128**

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BILLY WATKINS,

Petitioner - Appellant,

versus

W. M. OAKLEY, Sheriff of Durham County; STATE  
OF NORTH CAROLINA,

Respondents - Appellees.

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**No. 03-6129**

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BILLY WATKINS,

Petitioner - Appellant,

versus

WILL OAKLEY,

Respondent - Appellee.

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Appeals from the United States District Court for the Middle  
District of North Carolina, at Durham. N. Carlton Tilley, Jr.,  
Chief District Judge. (CA-02-809-1, CA-02-993-1)

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Submitted: April 25, 2003

Decided: May 5, 2003

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Before WIDENER, KING, and SHEDD, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Billy Watkins, Appellant Pro Se. Clarence Joe DelForge, III, OFFICE OF THE ATTORNEY GENERAL OF NORTH CAROLINA, Raleigh, North Carolina, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

On September 5, 2002, Billy Watkins filed a 28 U.S.C. § 2241 (2000) petition. The district court entered orders noting deficiencies in Watkins' pleadings. Watkins filed a notice of appeal, creating appeal No. 03-6128. On November 14, 2002, Watkins filed a second 28 U.S.C. § 2241 petition, which the district court, by orders dated November 14, 2002, and December 3, 2002, dismissed as redundant of his September 5, 2002, 28 U.S.C. § 2241 petition. Watkins filed a second notice of appeal, creating appeal No. 03-6129.

As to appeal No. 03-6128, this court may exercise jurisdiction only over final orders and certain interlocutory and collateral orders. 28 U.S.C. §§ 1291, 1292 (2000). Watkins' appeal in this case is timely only as to the district court's deficiency orders, which are neither final orders, nor appealable interlocutory or collateral orders. Accordingly, we deny a certificate of appealability and dismiss this appeal for lack of jurisdiction.

As to appeal No. 03-6129, Watkins appeals the district court's orders, dated November 14, 2002, and December 3, 2002, dismissing his November 14, 2002, 28 U.S.C. § 2241 petition as redundant of his September 5, 2002, 28 U.S.C. § 2241 petition. Watkins cannot appeal these orders unless a circuit judge or justice issues a certificate of appealability. 28 U.S.C. § 2253(c) (2000). A certificate of appealability will not issue absent "a substantial

showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2) (2000). A habeas petitioner 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, 123 S. Ct. 1029, 1040 (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 Watkins has not made the requisite showing. Accordingly, we deny a certificate of appealability and dismiss this appeal as meritless.

We deny Watkins’ motion to deconsolidate these appeals. 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