

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 03-6160

MICHAEL G. KESELICA,

Petitioner - Appellant,

versus

J. MICHAEL STOUFFER, Warden; ATTORNEY GENERAL
FOR THE STATE OF MARYLAND,

Respondents - Appellees.

Appeal from the United States District Court for the District of
Maryland, at Baltimore. Frederic N. Smalkin, Senior District Judge.
(CA-02-3947-S)

Submitted: June 12, 2003

Decided: June 20, 2003

Before WIDENER, LUTTIG, and SHEDD, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Michael G. Keselica, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Michael G. Keselica, a state prisoner, seeks to appeal the district court's order dismissing his petition filed under 28 U.S.C. § 2241 (2000) without prejudice. When, as here, a district court dismisses a § 2241 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 Keselica has not made the requisite showing. See Miller-El v. Cockrell, ___ U.S. ___, 123 S. Ct. 1029 (2003). Accordingly, we deny a certificate of appealability and dismiss the appeal. 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