

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 03-7025**

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JOHNNY LEE LUCAS,

Petitioner - Appellant,

versus

WILLIE EAGLETON, Warden of Evans Correctional  
Institution; CHARLES CONDON, Attorney General  
of the State of South Carolina,

Respondents - Appellees.

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**No. 03-7199**

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JOHNNY LEE LUCAS,

Petitioner - Appellant,

versus

WILLIE EAGLETON, Warden of Evans Correctional  
Institution; CHARLES CONDON, Attorney General  
of the State of South Carolina,

Respondents - Appellees.

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Appeals from the United States District Court for the District of  
South Carolina, at Rock Hill. G. Ross Anderson, Jr., District  
Judge. (CA-02-1679)

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Submitted: October 9, 2003

Decided: October 21, 2003

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Before LUTTIG, KING, and DUNCAN, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Johnny Lee Lucas, Appellant Pro Se. Samuel Creighton Waters,  
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Unpublished opinions are not binding precedent in this circuit.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:

Johnny Lee Lucas seeks to appeal the district court's orders accepting the recommendation of the magistrate judge and denying relief on his petition filed under 28 U.S.C. § 2254 (2000), and his motion to alter or amend (Appeal No. 03-7025), as well as the district court's order denying him a certificate of appealability (Appeal No. 03-7199). 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 the district court on the merits absent "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2) (2000). We have independently reviewed the record and conclude that Lucas has not made the requisite showing. See Miller-El v. Cockrell, 537 U.S. 322 (2003). Accordingly, we deny a certificate of appealability and dismiss the 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