

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 03-7457**

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MICHAEL J. LESESNE, a/k/a Michael Evan Briggs,

Petitioner - Appellant,

versus

WILLIE EAGLETON, Warden of Evans Correctional  
Institution; HENRY DARGAN MCMASTER, Attorney  
General of the State of South Carolina,

Respondents - Appellees.

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Appeal from the United States District Court for the District of  
South Carolina, at Beaufort. Patrick Michael Duffy, District Judge.  
(CA-03-2181-9-23)

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Submitted: November 19, 2003

Decided: December 5, 2003

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Before WILKINSON and GREGORY, Circuit Judges, and HAMILTON, Senior  
Circuit Judge.

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Dismissed by unpublished per curiam opinion.

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Michael J. Lesesne, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Michael J. Lesesne seeks to appeal the district court's order accepting the magistrate judge's recommendation to dismiss his successive petition filed under 28 U.S.C. § 2254 (2000), for lack of jurisdiction. 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). 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 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, 336 (2003); Slack v. McDaniel, 529 U.S. 473, 484 (2000); Rose v. Lee, 252 F.3d 676, 683 (4th Cir. 2001). We have independently reviewed the record and conclude that Lesesne has not made the requisite showing. To the extent Lesesne's notice of appeal and appellate brief could be construed as a motion for authorization to file a successive § 2254 motion, we deny such authorization. See United States v. Winestock, 340 F.3d 200, 208 (4th Cir. 2003), cert. denied, \_\_\_ U.S. \_\_\_, 2003 WL 22232622 (U.S. Nov. 3, 2003) (No. 03-6548).

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