

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 03-7488**

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GREGORY D. FLEMING,

Petitioner - Appellant,

versus

COMMONWEALTH OF VIRGINIA,

Respondent - Appellee.

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**No. 03-7698**

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GREGORY D. FLEMING,

Petitioner - Appellant,

versus

COMMONWEALTH OF VIRGINIA,

Respondent - Appellee.

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Appeals from the United States District Court for the Eastern District of Virginia, at Richmond. David G. Lowe, Magistrate Judge. (CA-02-925-3; CA-02-774)

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Submitted: March 11, 2004

Decided: March 17, 2004

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Before WIDENER, WILKINSON, and MICHAEL, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Gregory D. Fleming, Appellant Pro Se. Richard Bain Smith,  
Assistant Attorney General, Richmond, Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

In these consolidated appeals, Gregory D. Fleming, a state prisoner, seeks to appeal the magistrate judge's orders denying relief on his petitions filed under 28 U.S.C. § 2254 (2000).<sup>\*</sup> The orders are not appealable 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 in each case and conclude that Fleming has not made the requisite showing. Accordingly, we deny leave to proceed in forma pauperis in No. 03-7698, 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

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<sup>\*</sup>The parties consented to the magistrate judge's jurisdiction pursuant to 28 U.S.C. § 636(c) (2000).