

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 03-7543

MICHAEL G. KESELICA,

Petitioner - Appellant,

versus

J. MICHAEL STOUFFER, Warden; ATTORNEY GENERAL
OF VIRGINIA,

Respondents - Appellees.

No. 04-6005

MICHAEL G. KESELICA,

Petitioner - Appellant,

versus

J. MICHAEL STOUFFER, Warden; ATTORNEY GENERAL
OF VIRGINIA,

Respondents - Appellees.

No. 04-6215

MICHAEL G. KESELICA,

Petitioner - Appellant,

versus

J. MICHAEL STOUFFER, Warden; ATTORNEY GENERAL
OF VIRGINIA,

Respondents - Appellees.

Appeals from the United States District Court for the Eastern
District of Virginia, at Richmond. David G. Lowe, Magistrate
Judge. (CA-02-575)

Submitted: April 14, 2004

Decided: June 3, 2004

Before NIEMEYER, GREGORY, and SHEDD, Circuit Judges.

Nos. 03-7543, 04-6005, dismissed; No. 04-6215, affirmed by
unpublished per curiam opinion.

Michael G. Keselica, Appellant Pro Se. Richard Bain Smith,
Assistant Attorney General, Richmond, Virginia, for Appellees.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

In these consolidated appeals, Michael G. Keselica seeks to appeal the magistrate judge's orders denying relief on his petition under 28 U.S.C. § 2254 (2000), and denying his motions for reconsideration under Federal Rule of Civil Procedure 59(e) and 60(a).*

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 for claims addressed by a district court on the merits absent "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). As to claims dismissed by a district court 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. 2001) (quoting Slack v. McDaniel, 529 U.S. 473, 484 (2000)). In No. 03-7543 and No. 04-6005, we have independently reviewed the record and conclude that Keselica has not satisfied either

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

standard. See Miller-El v. Cockrell, 537 U.S. 322, 336 (2003). Accordingly, we deny Keselica's motions to supplement the record and for a certificate of appealability and dismiss Keselica's appeals.

In No. 04-6215, we have reviewed the record and find no reversible error. Accordingly, we affirm on the reasoning of the district court. See Keselica v. Stouffer, No. CA-02-575 (E.D. Va. Dec. 4, 2003). We deny as moot Keselica's motion for a certificate of appealability.

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.

No. 03-7543 & No. 04-6005 - DISMISSED
No. 04-6215 - AFFIRMED