

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 03-7580

MICHAEL CHARLES WEASE,

Petitioner - Appellant,

versus

GENE JOHNSON, Director,

Respondent - Appellee.

Appeal from the United States District Court for the Eastern District of Virginia, at Norfolk. Rebecca Beach Smith, District Judge. (CA-03-560-2)

Submitted: July 7, 2004

Decided: October 28, 2004

Before WILLIAMS, MOTZ, and KING, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Michael Charles Wease, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Michael Charles Wease, a state prisoner, seeks to appeal the district court's order dismissing his petition filed under 28 U.S.C. § 2254 (2000) as successive.* The order is 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 and conclude that Wease has not made the requisite showing. Accordingly, we deny a certificate of appealability and dismiss the appeal.

To the extent that Wease's notice of appeal and appellate brief can be construed as a motion for authorization to file a successive § 2254 petition, we deny such authorization. See United States v. Winestock, 340 F.3d 200, 208 (4th Cir.), cert. denied,

*By order filed April 5, 2004, this appeal was placed in abeyance for Jones v. Braxton, No. 03-6891. In view of our recent decision in Reid v. Angelone, 369 F.3d 363 (4th Cir. 2004), we no longer find it necessary to hold this case in abeyance for Jones.

124 S. Ct. 496 (2003). 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