

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 03-7763

DONTEZ LAMONT SIMUEL,

Petitioner - Appellant,

versus

ATTORNEY GENERAL OF THE STATE OF NORTH
CAROLINA,

Respondent - Appellee.

Appeal from the United States District Court for the Eastern
District of North Carolina, at Raleigh. Malcolm J. Howard,
District Judge. (CA-02-898-5-H)

Submitted: March 31, 2004

Decided: April 13, 2004

Before WILKINSON, WILLIAMS, and KING, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Dontez Lamont Simuel, Appellant Pro Se. Clarence Joe DelForge,
III, OFFICE OF THE ATTORNEY GENERAL OF NORTH CAROLINA, Raleigh,
North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Dontez Lamont Simuel seeks to appeal the district court's orders denying relief on his 28 U.S.C. § 2254 (2000) petition and denying his motion for reconsideration. We have independently reviewed the record and conclude that Simuel has not made a substantial showing of the denial of a constitutional right. See Miller-El v. Cockrell, 537 U.S. 322, 336 (2003). Accordingly, we deny a certificate of appealability and dismiss the appeal. See 28 U.S.C. § 2253(c) (2000). We deny Simuel's motion to proceed in forma pauperis. 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