

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 04-6031**

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ANTHONY JESUS SANDERS,

Petitioner - Appellant,

versus

JACK LEE, Warden, Keen Mountain Correctional  
Center,

Respondent - Appellee.

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Appeal from the United States District Court for the Eastern  
District of Virginia, at Alexandria. Claude M. Hilton, Chief  
District Judge. (CA-03-500-AM)

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Submitted: March 11, 2004

Decided: March 19, 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Dismissed by unpublished per curiam opinion.

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Anthony Jesus Sanders, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Anthony Jesus Sanders has filed a motion for a certificate of appealability concerning the denial of his 28 U.S.C. § 2254 (2000) petition by the district court. An appeal may not be taken from the final order in a habeas corpus proceeding unless a circuit judge or justice issues a certificate of appealability. 28 U.S.C. § 2253(c)(1)(2000). This court will not issue a certificate of appealability as to claims dismissed by a district court on procedural grounds unless the movant 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)).

We have reviewed the record and determine that Sanders has not made the requisite showing. See Miller-El v. Cockrell, 537 U.S. 322, 336 (2003). Accordingly, we deny a certificate of appealability and dismiss the appeal. Sanders's "Motion of Retention of the Record" is denied as moot. 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 in the decisional process.

DISMISSED