

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-6054

EMORY ALVIN MICHAU, JR.,

Petitioner - Appellant,

versus

EDSEL T. TAYLOR; HENRY D. MCMASTER, Attorney
General of South Carolina,

Respondents - Appellees.

No. 04-6056

EMORY ALVIN MICHAU, JR.,

Petitioner - Appellant,

versus

EDSEL T. TAYLOR; HENRY D. MCMASTER, Attorney
General of South Carolina,

Respondents - Appellees.

Appeals from the United States District Court for the District of
South Carolina, at Greenville. Sol Blatt, Jr., Senior District
Judge. (CA-03-851-6-08AK)

Submitted: March 25, 2004

Decided: April 1, 2004

Before TRAXLER, KING, and DUNCAN, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Emory Alvin Michau, Jr., Appellant Pro Se. Donald John Zelenka, Chief Deputy Attorney General, Columbia, South Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Emory Alvin Michau, Jr., a state prisoner, seeks to appeal the district court's order accepting the magistrate judge's recommendation and denying relief on his petition filed under 28 U.S.C. § 2254 (2000). 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 Michau has not made the requisite showing. Accordingly, we deny a certificate of appealability and dismiss the appeal. 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