

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

**No. 04-6634**

---

RAYMOND FRAZIER,

Petitioner - Appellant,

versus

WILLIAM S. HAINES, Warden, Huttonsville  
Correctional Center; MARK WILLIAMSON, Warden,  
Denmar Correctional Center,

Respondents - Appellees.

---

Appeal from the United States District Court for the Southern  
District of West Virginia, at Huntington. Robert C. Chambers,  
District Judge. (CA-03-565-3)

---

Submitted: July 29, 2004

Decided: August 5, 2004

---

Before LUTTIG, MICHAEL, and DUNCAN, Circuit Judges.

---

Dismissed by unpublished per curiam opinion.

---

Raymond Frazier, Appellant Pro Se. Dawn Ellen Warfield, OFFICE OF  
THE ATTORNEY GENERAL OF WEST VIRGINIA, Charleston, West Virginia,  
for Appellees.

---

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Raymond Frazier seeks to appeal the district court's order dismissing as untimely 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 Frazier 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