

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

**No. 04-6857**

---

DONTA L. THORNTON,

Petitioner - Appellant,

versus

GENE M. JOHNSON, Director of the Virginia  
Department of Corrections,

Respondent - Appellee.

---

Appeal from the United States District Court for the Eastern  
District of Virginia, at Norfolk. Henry Coke Morgan, Jr., District  
Judge. (CA-03-586-2)

---

Submitted: July 29, 2004

Decided: August 5, 2004

---

Before LUTTIG, MICHAEL, and DUNCAN, Circuit Judges.

---

Dismissed by unpublished per curiam opinion.

---

Donta L. Thornton, Appellant Pro Se. Jerry Walter Kilgore,  
Attorney General, Robert H. Anderson, III, OFFICE OF THE ATTORNEY  
GENERAL OF VIRGINIA, Richmond, Virginia, for Appellee.

---

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Donta L. Thornton seeks to appeal the district court's order accepting a magistrate judge's recommendation to deny his petition filed under 28 U.S.C. § 2254 (2000) as untimely. This 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 Thornton has not made the requisite showing. Accordingly, we deny a certificate of appealability and dismiss the appeal. We further deny Thornton's motion to authorize preparation of a transcript at government expense and his motion for all court records. 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