

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-6474

JIMMY G. GILCHRIST, SR.,

Petitioner - Appellant,

versus

GEORGE T. HAGAN, Warden of Allendale
Correctional Institution; JOHN OZMINT,
Director of the South Carolina Department of
Corrections; STATE OF SOUTH CAROLINA; HENRY
DARGAN MCMASTER, Attorney General for South
Carolina,

Respondents - Appellees.

Appeal from the United States District Court for the District of
South Carolina, at Greenville. Margaret B. Seymour, District
Judge. (CA-04-21895-6)

Submitted: August 26, 2005

Decided: September 14, 2005

Before WILKINSON, GREGORY, and DUNCAN, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Jimmy G. Gilchrist, Sr., Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Jimmy G. Gilchrist, Sr., seeks to appeal the district court's order accepting the report and recommendation of the magistrate judge 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 on the reasoning of the district court that Gilchrist has not made the requisite showing. See Gilchrist v. Hagan, No. CA-04-21895-6 (D.S.C. Mar. 11, 2005). Accordingly, we deny Gilchrist's motions to expedite the appeal and for the appointment of counsel, 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