

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

**No. 05-6786**

---

CLEMMIE LEE COVINGTON,

Petitioner - Appellant,

versus

THEODIS BECK, Secretary of the North Carolina  
Department of Corrections; EMILIO PAGAN,  
Superintendent of the Morrison Correctional  
Institution,

Respondents - Appellees.

---

Appeal from the United States District Court for the Middle  
District of North Carolina, at Durham. William L. Osteen, District  
Judge. (CA-03-719-1-WLO)

---

Submitted: October 14, 2005

Decided: February 28, 2006

---

Before MOTZ and GREGORY, Circuit Judges, and HAMILTON, Senior  
Circuit Judge.

---

Dismissed by unpublished per curiam opinion.

---

Henry Turner Drake, Wadesboro, North Carolina, for Appellant.  
Clarence Joe DelForge, III, NORTH CAROLINA DEPARTMENT OF JUSTICE,  
Raleigh, North Carolina, for Appellees.

---

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Clemmie Lee Covington, a state prisoner, seeks to appeal the district court's order accepting the 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 the district court's assessment of his constitutional claims is debatable or wrong and that any dispositive procedural rulings by the district court are also debatable or wrong. See Miller-El v. Cockrell, 537 U.S. 322, 336-38 (2003); Slack v. McDaniel, 529 U.S. 473, 484 (2000); Rose v. Lee, 252 F.3d 676, 683-84 (4th Cir. 2001). We have independently reviewed the record and conclude that Covington has not made the requisite showing. Accordingly, we deny Covington's motion to proceed in forma pauperis, 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