

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-7028

WILLIAM F. BASKINS,

Petitioner - Appellant,

versus

STATE OF SOUTH CAROLINA; HENRY MCMASTER,
Attorney General for South Carolina,

Respondents - Appellees.

Appeal from the United States District Court for the District of
South Carolina, at Florence. Patrick Michael Duffy, District
Judge. (CA-04-2220-4)

Submitted: March 17, 2006

Decided: April 5, 2006

Before WILKINSON, MOTZ, and DUNCAN, Circuit Judges.

Dismissed by unpublished per curiam opinion.

William F. Baskins, 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Unpublished opinions are not binding precedent in this circuit.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:

William F. Baskins seeks to appeal the district court's order adopting the magistrate judge's recommendation to deny relief on his 28 U.S.C. § 2254 (2000) petition as time-barred and, in the alternative, on the merits. 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 the district court's assessment of his constitutional claims is debatable or wrong and that any dispositive procedural ruling by the district court is likewise debatable. 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 (4th Cir. 2001). We have independently reviewed the record and conclude that Baskins 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

*Baskins did not take issue with the district court's timeliness determination in his informal brief on appeal, so he has waived review of that portion of the district court's decision. See 4th Cir. R. 34(b). We have also carefully reviewed the district court's disposition of Baskins' ineffective assistance of counsel claim and would not find the court's rejection of that claim to be debatable or wrong.

materials before the court and argument would not aid the decisional process.

DISMISSED