

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-7318

DAVID ISAIAH GARRIS,

Petitioner - Appellant,

versus

UNITED STATES PAROLE COMMISSION,

Respondent - Appellee.

Appeal from the United States District Court for the District of Maryland, at Greenbelt. Alexander Williams, Jr., District Judge. (CA-05-481-8-AW)

Submitted: February 23, 2006

Decided: March 1, 2006

Before WIDENER, NIEMEYER, and KING, Circuit Judges.

Dismissed by unpublished per curiam opinion.

David Isaiah Garris, Appellant Pro Se. Ariana Wright Arnold, OFFICE OF THE UNITED STATES ATTORNEY, Baltimore, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

David Isaiah Garris, a District of Columbia prisoner housed in a federal institution in Maryland, seeks to appeal the district court's order dismissing his 28 U.S.C. § 2241 (2000) habeas corpus petition. The order is not appealable unless a circuit justice or judge issues a certificate of appealability. 28 U.S.C. § 2253(c)(1) (2000); see Madley v. United States Parole Comm'n, 278 F.3d 1306, 1310 (D.C. Cir. 2002) (reasoning that District of Columbia is a "state" court for purposes of § 2253(c), and while a parole determination claim does not attack the original conviction or sentence, it nevertheless "arises out of" the original state process). 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 also are 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 Garris 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