

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 05-7353**

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RALPH RAY TENNANT, JR.,

Petitioner - Appellant,

versus

THOMAS MCBRIDE, Warden,

Respondent - Appellee.

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Appeal from the United States District Court for the Northern  
District of West Virginia, at Wheeling. Frederick P. Stamp, Jr.,  
District Judge. (CA-04-251-1-FPS)

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Submitted: November 21, 2005

Decided: December 8, 2005

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Before LUTTIG, WILLIAMS, and SHEDD, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Ralph Ray Tennant, Jr., Appellant Pro Se. Dawn Ellen Warfield,  
OFFICE OF THE ATTORNEY GENERAL OF WEST VIRGINIA, Charleston, West  
Virginia, for Appellee

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Ralph Ray Tennant, Jr., seeks to appeal the district court's judgment adopting and affirming the magistrate judge's report and recommendation and denying relief on his 28 U.S.C. § 2254 (2000) 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). 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 both 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 Tennant 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