

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-7744

LARRY A. LOVE,

Petitioner - Appellant,

versus

STATE OF SOUTH CAROLINA; HENRY DARGAN
MCMASTER,

Respondents - Appellees.

Appeal from the United States District Court for the District of South Carolina, at Greenville. Sol Blatt, Jr., Senior District Judge. (CA-04-23066)

Submitted: May 19, 2006

Decided: June 12, 2006

Before MICHAEL, SHEDD, and DUNCAN, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Larry A. Love, Appellant Pro Se. Donald John Zelenka, Chief Deputy Attorney General, Jeffrey Alan Jacobs, OFFICE OF THE ATTORNEY GENERAL, Columbia, South Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Larry A. Love seeks to appeal the district court's order adopting the recommendation of the magistrate judge and dismissing his petition filed under 28 U.S.C. § 2254 (2000). An appeal may not be taken from the final order in a § 2254 proceeding 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 for claims addressed by a district court 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 (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 Love 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