

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 06-7463**

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ROBERT W. GARRETT,

Petitioner - Appellant,

versus

STAN BURTT, Warden; HENRY DARGAN MCMASTER,  
Attorney General of South Carolina,

Respondents - Appellees.

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Appeal from the United States District Court for the District of  
South Carolina, at Greenville. Henry M. Herlong, Jr., District  
Judge. (6:05-cv-03497-HMH)

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Submitted: December 21, 2006

Decided: January 4, 2007

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Before NIEMEYER, WILLIAMS, and KING, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Robert W. Garrett, Appellant Pro Se. Donald John Zelenka, OFFICE  
OF THE ATTORNEY GENERAL, Columbia, South Carolina; Roy F. Laney,  
Nikole Deanna Haltiwanger, Thomas Lowndes Pope, RILEY, POPE &  
LANEY, LLC, Columbia, South Carolina, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Robert W. Garrett seeks to appeal the district court's order accepting the recommendation of the magistrate judge 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 that any assessment of the constitutional claims by the district court is debatable or wrong and that any dispositive procedural ruling by the district court is likewise debatable. 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 Garrett 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