

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 07-6813

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ROBERT STEVEN LOGAN,

Petitioner - Appellant,

versus

WARDEN, LIEBER CORRECTIONAL INSTITUTION,

Respondent - Appellee,

and

STATE OF SOUTH CAROLINA; SOUTH CAROLINA  
DEPARTMENT OF CORRECTIONS; HENRY DARGAN  
MCMASTER, Attorney General of the State of  
South Carolina,

Respondents.

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Appeal from the United States District Court for the District of  
South Carolina, at Columbia. Henry M. Herlong, Jr., District  
Judge. (3:06-cv-03129-HMH)

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Submitted: September 26, 2007

Decided: October 11, 2007

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Before GREGORY and DUNCAN, Circuit Judges, and HAMILTON, Senior  
Circuit Judge.

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Dismissed by unpublished per curiam opinion.

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Robert Steven Logan, Appellant Pro Se. Donald John Zelenka, OFFICE OF THE ATTORNEY GENERAL OF SOUTH CAROLINA, Columbia, South Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Robert Steven Logan seeks to appeal the district court's order denying as untimely 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 Logan has not made the requisite showing. Accordingly, we deny a certificate of appealability, dismiss the appeal, and deny Logan's motion for appointment of counsel. 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