

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-6204

JAMES CHRISTOPHER ANDERSON,

Petitioner - Appellant,

v.

ANTHONY HATHAWAY, III,

Respondent - Appellee.

Appeal from the United States District Court for the Middle
District of North Carolina, at Durham. Russell A. Eliason,
Magistrate Judge. (1:07-cv-00348-RAE)

Submitted: June 19, 2008

Decided: June 24, 2008

Before WILKINSON, NIEMEYER, and MICHAEL, Circuit Judges.

Dismissed by unpublished per curiam opinion.

James Christopher Anderson, Appellant Pro Se. Clarence Joe
DelForge, III, Assistant Attorney General, Raleigh, North Carolina,
for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

James Christopher Anderson seeks to appeal the orders of the magistrate judge* denying relief on his 28 U.S.C. § 2254 (2000) petition and his motion to reconsider. The orders are 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 Anderson has not made the requisite showing. Accordingly, we deny a certificate of appealability, deny leave to proceed in forma pauperis, 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

*The parties consented to the magistrate judge's jurisdiction under 28 U.S.C. § 636(c) (2000).