

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 08-6448**

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EUGENE LITTLE,

Petitioner - Appellant,

v.

THEODIS BECK,

Respondent - Appellee.

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Appeal from the United States District Court for the Middle District of North Carolina, at Durham. James A. Beaty, Jr., Chief District Judge. (1:07-cv-00628-JAB-PTS)

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Submitted: May 29, 2008

Decided: June 5, 2008

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Before TRAXLER, GREGORY and SHEDD, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Eugene Little, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Eugene Little, a state prisoner, seeks to appeal the district court's order accepting the recommendation of the magistrate judge and dismissing his petition filed under 28 U.S.C. § 2254 (2000), for failure to exhaust state remedies. 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 Little has not made the requisite showing. Accordingly, we deny Little's motion for 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