

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-6522

THOMAS J. TORRENCE,

Petitioner - Appellant,

v.

JONATHAN OZMINT, Director, South Carolina Department of
Corrections,

Respondent - Appellee.

Appeal from the United States District Court for the District of
South Carolina, at Columbia. Sol Blatt, Jr., Senior District
Judge. (3:05-cv-00893-SB)

Submitted: December 3, 2008

Decided: December 11, 2008

Before KING, SHEDD, and AGEE, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Thomas J. Torrence, Appellant Pro Se. John William McIntosh,
William Edgar Salter, III, Assistant Attorneys General,
Columbia, South Carolina, Donald John Zelenka, Deputy Assistant
Attorney General, Columbia, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Thomas J. Torrence 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 Torrence has not made the requisite showing. Accordingly, we deny Torrence'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