

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-7665

JAMES GATEWOOD BLAKELY,

Petitioner - Appellant,

v.

WARDEN, BROAD RIVER CORRECTIONAL INSTITUTION,

Respondent - Appellee.

No. 09-6294

JAMES GATEWOOD BLAKELY,

Petitioner - Appellant,

v.

WARDEN, BROAD RIVER CORRECTIONAL INSTITUTION,

Respondent - Appellee.

Appeals from the United States District Court for the District
of South Carolina, at Florence. Margaret B. Seymour, District
Judge. (4:07-cv-02012-MBS)

Submitted: April 24, 2009

Decided: May 14, 2009

Before WILKINSON, TRAXLER, and KING, Circuit Judges.

Dismissed by unpublished per curiam opinion.

James Gatewood Blakely, Appellant Pro Se. Donald John Zelenka, Deputy Assistant Attorney General, Columbia, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

James Gatewood Blakely 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 (2006) petition and the district court's order denying his motion for reconsideration. The orders are not appealable unless a circuit justice or judge issues a certificate of appealability. 28 U.S.C. § 2253(c)(1) (2006). 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) (2006). 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 Blakely 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