

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-6292

MARK EARL BELL,

Petitioner - Appellant,

v.

TRAVIS OUTLAW,

Respondent - Appellee.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. Louise W. Flanagan, Chief District Judge. (5:07-hc-02227-FL)

Submitted: October 19, 2009

Decided: November 5, 2009

Before WILKINSON, GREGORY, and AGEE, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Mark Earl Bell, 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Unpublished opinions are not binding precedent in this circuit.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:

Mark Earl Bell seeks to appeal the district court's denial of his 28 U.S.C. § 2254 (2006) petition and his subsequent motion for reconsideration. On appeal, Bell has failed to challenge the district court's basis for denying the motion for reconsideration; therefore, we find that he has forfeited appellate review of that issue. See 4th Cir. R. 34(b) (limiting review to issues raised in the informal brief on appeal).

The district court's order dismissing Bell's § 2254 petition is not appealable unless a circuit justice or judge issues a certificate of appealability. See 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. See 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 Bell 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