

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 09-7869**

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WILLIE J. HUFF, a/k/a Willie James Huff, a/k/a S Willie J.  
Huff,

Petitioner - Appellant,

v.

WARDEN, LEE CORRECTIONAL INSTITUTION,

Respondent - Appellee.

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Appeal from the United States District Court for the District of  
South Carolina, at Anderson. Patrick Michael Duffy, Senior  
District Judge. (8:08-cv-02058-PMD)

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Submitted: May 20, 2010

Decided: May 25, 2010

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Before WILKINSON, NIEMEYER, and DAVIS, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Willie J. Huff, Appellant Pro Se. Melody Jane Brown, Assistant  
Attorney General, Donald John Zelenka, Deputy Assistant Attorney  
General, Columbia, South Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Willie J. Huff 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. The order is 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). When the district court denies relief on the merits, a prisoner satisfies this standard by demonstrating that reasonable jurists would find that the district court's assessment of the constitutional claims is debatable or wrong. Slack v. McDaniel, 529 U.S. 473, 484 (2000); see Miller-El v. Cockrell, 537 U.S. 322, 336-38 (2003). When the district court denies relief on procedural grounds, the prisoner must demonstrate both that the dispositive procedural ruling is debatable, and that the petition states a debatable claim of the denial of a constitutional right. Slack, 529 U.S. at 484-85. We have independently reviewed the record and conclude that Huff has not made the requisite showing. Accordingly, we deny Huff's motion to stay, 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