

Filed: May 11, 2010

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-7944
(1:08-cv-01918-AMD)

ERIC VON POOLE,

Petitioner - Appellant,

v.

JOHN WOLFE, Warden; DOUGLAS F. GANSLER, Attorney General of
the State of Maryland,

Respondents - Appellees.

O R D E R

The court amends its opinion filed May 3, 2010, as
follows:

On page 2, lines 15-16 and line 17, the name "Von
Poole" is corrected to read "Poole."

For the Court - By Direction

/s/ Patricia S. Connor
Clerk

UNPUBLISHED

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ERIC VON POOLE,

Petitioner - Appellant,

v.

JOHN WOLFE, Warden; DOUGLAS F. GANSLER, Attorney General of
the State of Maryland,

Respondents - Appellees.

Appeal from the United States District Court for the District of
Maryland, at Baltimore. Andre M. Davis, District Judge. (1:08-
cv-01918-AMD)

Submitted: April 29, 2010

Decided: May 3, 2010

Before MOTZ and DUNCAN, Circuit Judges, and HAMILTON, Senior
Circuit Judge.

Dismissed by unpublished per curiam opinion.

Eric Von Poole, Appellant Pro Se. Edward John Kelley, OFFICE OF
THE ATTORNEY GENERAL OF MARYLAND, Baltimore, Maryland, for
Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Eric Von Poole seeks to appeal the district court's order 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. 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 Poole has not made the requisite showing. Accordingly, we deny Poole's motion for appointment of counsel, 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