

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 10-6337**

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RICHARD EDWARD TRICE,

Petitioner - Appellant,

v.

STATES OF GEORGIA,

Respondent - Appellee.

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Appeal from the United States District Court for the District of South Carolina, at Florence. Joseph F. Anderson, Jr., District Judge. (4:09-cv-02767-JFA)

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Submitted: April 22, 2010

Decided: April 28, 2010

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Before TRAXLER, Chief Judge, and KING and AGEE, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Richard Edward Trice, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Richard Edward Trice, a former state prisoner, seeks to appeal the district court's orders accepting the recommendation of the magistrate judge, denying relief on his 28 U.S.C. § 2241 (2006) petition, and denying 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 Trice 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