UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 10-6638

TONY STEVENSON JOHNSON, a/k/a Tony S. Johnson,

Petitioner - Appellant,

v.

MCKITHER BODISON,

Respondent - Appellee.

On Remand from the Supreme Court of the United States.
(S. Ct. No. 10-9236)

Submitted: May 31, 2012 Decided: June 12, 2012

Before MOTZ, KING, and DAVIS, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Tony Stevenson Johnson, Appellant Pro Se. William Edgar Salter, III, Assistant Attorney General, Donald John Zelenka, Deputy Assistant Attorney General, Columbia, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Tony Stevenson Johnson appealed from the district court's order adopting the report and recommendation of the magistrate judge and denying Johnson's 28 U.S.C. § 2254 (2006) petition. While the district court granted a certificate of appealability ("COA") as to all issues raised by Johnson, we overlooked this fact in our initial consideration of this appeal. Finding that Johnson had not made a substantial showing of the denial of a constitutional right on appeal, we denied a COA and dismissed the appeal.

Johnson filed a petition for a writ of certiorari in the Supreme Court. The Supreme Court granted certiorari, vacated this Court's judgment, and remanded for consideration of Gonzalez v. Thaler, 132 S. Ct. 641 (2012). Johnson v. Bodison, 132 S. Ct. 1088 (2012). In Gonzalez, the Supreme Court ruled that the specificity requirements of 28 U.S.C. § 2253(c)(2) (2006) were not jurisdictional and that an appeal may proceed based even upon a defective COA. 132 S. Ct. at 652. Because our procedural ruling was not based upon any finding that the district court's COA was defective, we conclude that the ruling in Gonzalez has no effect on our consideration of the case.

On remand, we have examined the case anew on its merits, considering the record as well as Johnson's arguments on appeal, and we find no reversible error. With regard to certain

claims, Johnson fails to challenge dispositive legal and factual findings by the district court in his informal brief and, thus, has forfeited review. 4th Cir. R. 34(b). With regard to the remaining claims, after a careful review of the record, we affirm for the reasons stated in the magistrate judge's opinion, as adopted by the district court. Johnson v. Bodison, No. 6:09-cv-01037-TLW (D.S.C. Mar. 30, 2010). We deny Johnson's petition for rehearing and for rehearing en banc. 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.

AFFIRMED