UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 10-6650

MAURICE GRAVES,

Petitioner - Appellant,

v.

A. J. PADULA,

Respondent - Appellee.

Appeal from the United States District Court for the District of South Carolina, at Columbia. Patrick Michael Duffy, Senior District Judge. (3:09-cv-00540-PMD)

Submitted: August 11, 2010 Decided: September 10, 2010

Before NIEMEYER and DAVIS, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed in part; dismissed in part by unpublished per curiam opinion.

Maurice Graves, Appellant Pro Se. Donald John Zelenka, Deputy Assistant Attorney General, Samuel Creighton Waters, Assistant Attorney General, Columbia, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Maurice Graves appeals the district court's order accepting the recommendation of the magistrate judge and denying relief on his 28 U.S.C. § 2254 (2006) petition and the order denying his motion for reconsideration. Insofar as Graves appeals that part of the order for which the district court granted a certificate of appealability, we have reviewed the record and find no reversible error. Accordingly, we affirm in part for the reasons stated by the district court. See Graves v. Padula, No. 3:09-cv-00540-PMD (D.S.C. Apr. 20, 2010).

We deny Graves' motion to expand the certificate of appealability. 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 both that the district court's assessment of the constitutional claims is debatable or wrong and that any dispositive procedural rulings by the district court are also debatable or wrong. 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 conclude Graves fails to make the requisite showing.

Accordingly, we affirm in part and deny the motion to expand the certificate of appealability and dismiss the appeal

in part. We also deny Graves' motion for appointment of counsel. 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 IN PART;
DISMISSED IN PART