

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 10-6714

PERCY ALLEN WILLIAMS, JR.,

Petitioner - Appellant,

v.

ROBERT JONES,

Respondent - Appellee.

Appeal from the United States District Court for the Western
District of North Carolina, at Charlotte. Graham C. Mullen,
Senior District Judge. (3:09-cv-00006-GCM)

Submitted: July 27, 2010

Decided: August 9, 2010

Before TRAXLER, Chief Judge, and WILKINSON and KEENAN, Circuit
Judges.

Dismissed by unpublished per curiam opinion.

Percy Allen Williams, Jr., Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Percy Allen Williams, Jr., seeks to appeal the district court's order denying relief on his motion filed under Fed. R. Civ. P. 60(b), contesting the court's prior dismissal of his 28 U.S.C. § 2254 (2006) petition. The order appealed also denied Williams' pending motions for release pending appeal, for permission to appeal in forma pauperis, and to appoint counsel. 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). The order is not appealable unless a circuit justice or judge issues a certificate of appealability. 28 U.S.C. § 2253(c)(1) (2006); Reid v. Angelone, 369 F.3d 363, 369 (4th Cir. 2004). 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 Williams has not made the requisite showing. Accordingly, we deny Williams' motion for 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