

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 10-6757**

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BRUCE M. RICHARDSON,

Petitioner - Appellant,

v.

STATE OF SOUTH CAROLINA; WARDEN OF TURBEVILLE CORRECTIONAL  
INSTITUTION,

Respondents - Appellees.

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Appeal from the United States District Court for the District of  
South Carolina, at Columbia. Margaret B. Seymour, District  
Judge. (3:09-cv-01107-MBS)

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Submitted: February 10, 2011                      Decided: February 17, 2011

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

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Dismissed by unpublished per curiam opinion.

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Bruce M. Richardson, Appellant Pro Se. Alphonso Simon, Jr.,  
Samuel Creighton Waters, Assistant Attorneys General, Columbia,  
South Carolina, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Bruce M. Richardson seeks to appeal 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 its subsequent order denying his motion to reconsider. These 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). 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 Richardson 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