

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 10-7130**

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BERNARD MCFADDEN,

Petitioner - Appellant,

v.

STATE OF SOUTH CAROLINA; ROBERT RICHBURG, Investigator for  
Sumter County Police Department; HENRY MCMASTER, South  
Carolina Attorney General,

Respondents - Appellees.

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Appeal from the United States District Court for the District of  
South Carolina, at Columbia. R. Bryan Harwell, District Judge.  
(3:10-cv-01544-RBH)

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Submitted: November 18, 2010                      Decided: December 1, 2010

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Before SHEDD and AGEE, Circuit Judges, and HAMILTON, Senior  
Circuit Judge.

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Dismissed by unpublished per curiam opinion.

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Bernard McFadden, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Bernard McFadden, a state pretrial detainee, seeks to appeal the district court's orders denying relief on his 28 U.S.C.A. § 2241 (West 2006 & Supp. 2010) petition. The order is 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 McFadden 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