

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 10-7511**

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DOMINIQUE HERMAN ADAMS,

Petitioner - Appellant,

v.

BRYAN WATSON, Warden,

Respondent - Appellee.

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Appeal from the United States District Court for the Western  
District of Virginia, at Roanoke. Samuel G. Wilson, District  
Judge. (7:10-cv-00383-sgw-mfu)

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Submitted: February 28, 2011

Decided: March 9, 2011

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Before TRAXLER, Chief Judge, and KING and DIAZ, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Dominique Herman Adams, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Dominique Herman Adams seeks to appeal the district court's order dismissing as untimely his 28 U.S.C.A. § 2254 (West Supp. 2010) motion. 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 motion 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 Adams has not made the requisite showing. Accordingly, we deny a certificate of appealability and dismiss the appeal. We deny Adams' motion for bail pending appeal and 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