

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 11-6530

DENNIS ALEXANDER PLAYER,

Petitioner - Appellant,

v.

ALVIN KELLER,

Respondent - Appellee.

Appeal from the United States District Court for the Middle
District of North Carolina, at Durham. L. Patrick Auld,
Magistrate Judge. (1:10-cv-00282-LPA)

Submitted: September 16, 2011 Decided: September 29, 2011

Before KING, GREGORY, and DAVIS, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Dennis Alexander Player, Appellant Pro Se. Clarence Joe
DelForge, III, Assistant Attorney General, Raleigh, North
Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Dennis Alexander Player seeks to appeal the magistrate judge's order denying relief on his 28 U.S.C. § 2254 (2006) petition. The order is not appealable unless a circuit justice or judge issues a certificate of appealability. See 28 U.S.C. § 2253(c)(1)(A) (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 Player has not made the requisite showing. Accordingly, we deny leave to proceed in forma pauperis, deny the motion for a certificate of appealability, deny the motion for appointment of counsel, 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