

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 11-7462**

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RANDOLPH STEPHEN BAIRD,

Petitioner - Appellant,

v.

APRIL CHAPMAN, Warden; ATTORNEY GENERAL OF THE STATE OF  
SOUTH CAROLINA,

Respondents - Appellees,

and

COLORADO DEPARTMENT OF CORRECTIONS; KIT CARSON CORRECTIONAL  
CENTER; ATTORNEY GENERAL HENRY MCMASTER, (actually named as  
The Attorney General of the State of: South Carolina, Henry  
McMaster); JOE WOLFE, Future Custody, South Carolina  
Department of Parole and Probation, Agent,

Respondents.

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Appeal from the United States District Court for District of  
South Carolina, at Aiken. Joseph F. Anderson, Jr., District  
Judge. (1:11-cv-01217-JFA)

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Submitted: March 29, 2012

Decided: April 2, 2012

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Before WILKINSON, KING, and KEENAN, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Randolph Stephen Baird, Appellant Pro Se. Donald John Zelenka, Deputy Assistant Attorney General, James Anthony Mabry, Assistant Attorney General, Columbia, South Carolina, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Randolph Stephen Baird 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. The order is not appealable unless a circuit justice or judge issues a certificate of appealability. 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 Baird 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