

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 12-8133

KQLMSTRONG AXUMEL EL,

Petitioner - Appellant,

v.

DOUGLAS F. GANGSLER, State of Maryland Attorney General;
MARTIN O'MALLEY, State of Maryland Governor; ANTHONY BROWN,
State of Maryland Lieutenant Governor; H. GARY BASS, Judge;
BARBARA B. WAXMAN, Judge; JOHN HARGROVE, JR., Judge; CAROLYN
SHRUGGS, Acting Warden; MARION TUTHILL, Warden,

Respondents - Appellees.

Appeal from the United States District Court for the District of
Maryland, at Baltimore. James K. Bredar, District Judge.
(1:12-cv-03198-JKB)

Submitted: April 18, 2013

Decided: April 22, 2013

Before WILKINSON, GREGORY, and DAVIS, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Kqlmstrong Axumel El, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Kqlmstrong Axumel El, a state prisoner, seeks to appeal the district court's order denying relief on his 28 U.S.C.A. § 2241 (West 2006 & Supp. 2012) 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 Axumel El has not made the requisite showing. Accordingly, we deny a certificate of appealability, deny Axumel El's motion to expedite, and dismiss the appeal. We dispense with oral argument because the facts and legal contentions are adequately

presented in the materials before this court and argument would not aid the decisional process.

DISMISSED