

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 14-6715

LAJOEL THEODORE ROUSE,

Petitioner - Appellant,

v.

ERIC D. WILSON,

Respondent - Appellee.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Gerald Bruce Lee, District Judge. (1:13-cv-00748-GBL-TRJ)

Submitted: September 23, 2014

Decided: September 30, 2014

Before NIEMEYER and KING, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

LaJoel T. Rouse, Appellant Pro Se. Ayana Niambi Free, Assistant United States Attorney, Alexandria, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

LaJoel Theodore Rouse seeks to appeal the district court's order denying relief on his 28 U.S.C. § 2241 (2012) petition,* construing the petition as a second or successive 28 U.S.C. § 2255 (2012) motion, and dismissing the motion for lack of jurisdiction. The district court's order is not appealable unless a circuit justice or judge issues a certificate of appealability. 28 U.S.C. § 2253(c)(1)(B) (2012). 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) (2012). 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 v. McDaniel, 529 U.S. 473, 484-85 (2000).

We have independently reviewed the record and conclude that Rouse has not made the requisite showing. Accordingly, we deny a certificate of appealability, deny leave to proceed in forma pauperis, and dismiss the appeal. We dispense with oral argument because the facts and legal contentions are adequately

* The district court properly determined that Rouse could not proceed with his claims under § 2241. See United States v. Poole, 531 F.3d 263, 267 n.7 (4th Cir. 2008); In re: Jones, 226 F.3d 328, 333 (4th Cir. 2000).

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

DISMISSED