

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 14-6964**

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DESI ARNEZ LEWIS,

Petitioner - Appellant,

v.

HAROLD W. CLARKE, Director of the Virginia Department of  
Corrections,

Respondent - Appellee.

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Appeal from the United States District Court for the Eastern  
District of Virginia, at Norfolk. Raymond A. Jackson, District  
Judge. (2:13-cv-00549-RAJ-LRL)

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Submitted: September 23, 2014

Decided: September 26, 2014

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

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Dismissed by unpublished per curiam opinion.

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Desi Arnez Lewis, Appellant Pro Se. Michael Thomas Judge, OFFICE  
OF THE ATTORNEY GENERAL OF VIRGINIA, Richmond, Virginia, for  
Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Desi Arnez Lewis seeks to appeal the district court's order accepting the recommendation of the magistrate judge and dismissing his 28 U.S.C. § 2254 (2012) petition as an unauthorized, successive petition or, in the alternative, as untimely.\* The order is not appealable unless a circuit justice or judge issues a certificate of appealability. 28 U.S.C. § 2253(c)(1)(A) (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 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.

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\* Because the petition was successive and unauthorized, the district court lacked jurisdiction to consider it. 28 U.S.C. § 2244(b) (2012); United States v. Winestock, 340 F.3d 200, 205 (4th Cir. 2003).

We have independently reviewed the record and conclude that Lewis 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 presented in the materials before this court and argument would not aid the decisional process.

DISMISSED