

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 14-7359

ROBERT EUGENE EASON,

Petitioner - Appellant,

v.

JOSEPH B. HALL,

Respondent - Appellee,

and

STATE OF NORTH CAROLINA,

Respondent.

No. 14-7393

ROBERT EUGENE EASON,

Petitioner - Appellant,

v.

JOSEPH B. HALL,

Respondent - Appellee,

and

STATE OF NORTH CAROLINA,

Respondent.

Appeals from the United States District Court for the Eastern District of North Carolina, at Raleigh. James C. Dever III, Chief District Judge. (5:13-hc-02004-D)

Submitted: January 27, 2015 Decided: February 6, 2015

Before KEENAN, FLOYD, and THACKER, Circuit Judges.

No. 14-7359 dismissed; No. 14-7393 affirmed by unpublished per curiam opinion.

Robert Eugene Eason, Appellant Pro Se. Clarence Joe DelForge, III, NORTH CAROLINA DEPARTMENT OF JUSTICE, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

In these consolidated appeals, Robert Eugene Eason seeks to appeal the district court's order dismissing as untimely his 28 U.S.C. § 2254 (2012) petition (No. 14-7359), and the court's post-judgment order overruling his pleading purported to be objections to the magistrate judge's recommendation (No. 14-7393). The order dismissing Eason's § 2254 petition as untimely 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 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 Eason has not made the requisite showing. Accordingly, we deny a certificate of appealability, deny leave to proceed in forma pauperis, and dismiss Eason's appeal of the district court's order dismissing his § 2254 petition as untimely. We affirm the district court's order overruling Eason's objections to the magistrate judge's recommendation because Eason's

petition was not referred to a magistrate judge. 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.

No. 14-7359 DISMISSED

No. 14-7393 AFFIRMED