

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 14-7466**

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DEWAYNE MCKENZIE, a/k/a Shawn McKenzie,

Petitioner - Appellant,

v.

WARDEN LARRY CARTLEDGE,

Respondent - Appellee,

and

DIRECTOR BILL BYERS,

Respondent.

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Appeal from the United States District Court for the District of  
South Carolina, at Anderson. R. Bryan Harwell, District Judge.  
(8:13-cv-02488-RBH)

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Submitted: February 25, 2015

Decided: March 3, 2015

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Before NIEMEYER, KING, and THACKER, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Dewayne McKenzie, Appellant Pro Se. Donald John Zelenka, Senior  
Assistant Attorney General, James Anthony Mabry, Assistant  
Attorney General, Columbia, South Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Dewayne McKenzie seeks to appeal the district court's order accepting the recommendation of the magistrate judge and denying relief on McKenzie's 28 U.S.C. § 2254 (2012) petition, and a subsequent order denying reconsideration. The orders are 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.

We have independently reviewed the record and conclude that McKenzie has not made the requisite showing. Accordingly, we deny a certificate of appealability and dismiss the appeal. We further deny McKenzie's motion for the appointment of

counsel. 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