

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 14-7567**

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KENNETH WHITMORE,

Petitioner - Appellant,

v.

R. H. MAUNEY, Warden,

Respondent - Appellee.

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Appeal from the United States District Court for the District of South Carolina, at Greenville. J. Michelle Childs, District Judge. (6:13-cv-03217-JMC)

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Submitted: January 22, 2015

Decided: January 27, 2015

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Before SHEDD, KEENAN, and DIAZ, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Kenneth Whitmore, Appellant Pro Se. Alphonso Simon, Jr., Assistant Attorney General, Donald John Zelenka, Senior Assistant Attorney General, Columbia, South Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Kenneth Whitmore seeks to appeal the district court's order accepting the magistrate judge's recommendation and denying relief on his 28 U.S.C. § 2254 (2012) petition. The order is not appealable unless a circuit justice or judge issues a certificate of appealability. See 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.

Limiting our review to the issues raised in Whitmore's objections to the magistrate judge's report and recommendation and his informal brief, see Wright v. Collins, 766 F.2d 841, 845-46 (4th Cir. 1985); 4th Cir. R. 34(b), we conclude that Whitmore has not made the requisite showing. Accordingly, we

deny a certificate of appealability 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