

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 14-7833

JAMES ANTHONY PRIMUS,

Petitioner - Appellant,

v.

WARDEN EDSEL T. TAYLOR,

Respondent - Appellee.

Appeal from the United States District Court for the District of South Carolina, at Florence. David C. Norton, District Judge. (4:14-cv-3015-DCN)

Submitted: February 12, 2015

Decided: February 19, 2015

Before MOTZ, WYNN, and FLOYD, Circuit Judges.

Dismissed by unpublished per curiam opinion.

James Anthony Primus, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

James Anthony Primus seeks to appeal the district court's order adopting the magistrate judge's recommendation to dismiss Primus' 28 U.S.C. § 2254 (2012) petition as successive and denying his petition for a writ of mandamus.* 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.

* In his informal brief, Primus does not challenge the district court's denial of his petition for a writ of mandamus and has therefore forfeited appellate review of that portion of the district court's order. See 4th Cir. R. 34(b).

We have independently reviewed the record and conclude that Primus 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