

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 15-6047**

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MARC HUBBARD,

Petitioner - Appellant,

v.

BARRY BARNETTE; J. MARK HAYES; ALAN WILSON; JUDGES OF THE  
SPARTANBURG COUNTY COURT OF COMMON PLEAS,

Respondents - Appellees.

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Appeal from the United States District Court for the Western  
District of North Carolina, at Charlotte. Frank D. Whitney,  
Chief District Judge. (3:14-cv-00634-FDW)

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Submitted: March 31, 2015

Decided: April 3, 2015

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Before MOTZ, KING, and AGEE, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Patrick Michael Megaro, APPEALS LAW GROUP, Orlando, Florida, for  
Appellant. James Emory Smith, Jr., Assistant Attorney General,  
Robert D. Cook, OFFICE OF THE ATTORNEY GENERAL OF SOUTH  
CAROLINA, Columbia, South Carolina, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Marc Hubbard seeks to appeal the district court's order denying relief on his pretrial 28 U.S.C. §§ 2241 and 2254 (2012) petitions and his motion to stay pursuant to 28 U.S.C. § 2251 (2012).<sup>\*</sup> 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.

We have independently reviewed the record and conclude that Hubbard has not made the requisite showing. Accordingly, we

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<sup>\*</sup> Hubbard also moved in this court for stay of the state proceedings pursuant to § 2251; we denied that motion by order filed on January 23, 2015.

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