

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 15-6052**

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JONATHAN ELWOOD WALKER, SR.,

Petitioner - Appellant,

v.

JOSEPH B. HALL,

Respondent - Appellee.

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Appeal from the United States District Court for the Middle District of North Carolina, at Greensboro. L. Patrick Auld, Magistrate Judge. (1:11-cv-00128-LPA)

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Submitted: April 16, 2015

Decided: April 21, 2015

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Before AGEE and KEENAN, Circuit Judges, and HAMILTON, Senior Circuit Judge.

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Dismissed by unpublished per curiam opinion.

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Jonathan Elwood Walker, Sr., Appellant Pro Se. Mary Carla Babb, Assistant Attorney General, Raleigh, North Carolina; Clarence Joe DelForge, III, NORTH CAROLINA DEPARTMENT OF JUSTICE, Raleigh, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Jonathan Elwood Walker, Sr., seeks to appeal the magistrate judge's order 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.

We have independently reviewed the record and conclude that Walker has not made the requisite showing. Accordingly, we deny Walker's motion for a certificate of appealability, deny leave

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\* This case was decided by a magistrate judge with the parties' consent pursuant to 28 U.S.C. § 636(c) (2012).

to proceed in forma pauperis, and dismiss the appeal. We deny Walker's motion for 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