UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 15-7891

DENNIS RAY GRAVES,

Petitioner - Appellant,

v.

COMMONWEALTH OF VIRGINIA DEPARTMENT OF CORRECTIONS,

Respondent - Appellee.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. James C. Cacheris, Senior District Judge. (1:15-cv-01276-JCC-JFA)

Submitted: July 29, 2016 Decided: August 29, 2016

Before MOTZ, SHEDD, and HARRIS, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Dennis Ray Graves, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Dennis Ray Graves seeks to appeal the district court's order dismissing his 28 U.S.C. § 2254 (2012) petition as an unauthorized second or successive 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 Graves has not made the requisite showing.* Accordingly, we deny

* This appeal was placed in abeyance for In re Wright, ___ F.3d ___, No. 15-281, 2016 WL 3409851 (4th Cir. June 21, 2016) (holding that a convicted state prisoner challenging the (Continued)

leave to proceed in forma pauperis on appeal, 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

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execution of his sentence is required to apply for authorization to file a second or successive habeas application).