

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 18-7320**

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KEVIN W. CHURCH, SR.,

Petitioner - Appellant,

v.

COMMONWEALTH OF VIRGINIA,

Respondent - Appellee.

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Appeal from the United States District Court for the Eastern District of Virginia, at  
Alexandria. Leonie M. Brinkema, District Judge. (1:18-cv-00619-LMB-MSN)

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Submitted: March 14, 2019

Decided: March 19, 2019

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Before WYNN and RICHARDSON, Circuit Judges, and TRAXLER, Senior Circuit  
Judge.

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Affirmed by unpublished per curiam opinion.

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Kevin W. Church, Sr., Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Kevin W. Church, Sr., appeals the district court's order dismissing without prejudice his 28 U.S.C. § 2254 (2012) petition for failure to comply with a court order. *See* Fed. R. Civ. P. 41(b). We have reviewed the record and find no reversible error. Accordingly, we grant leave to proceed in forma pauperis and affirm for the reasons stated by the district court.\* *Church v. Virginia*, No. 1:18-cv-00619-LMB-MSN (E.D. Va. Oct. 1, 2018). We also deny Church's motions for appointment of counsel, a transcript at government expense, and a writ of mandamus. 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.

*AFFIRMED*

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\* Although a certificate of appealability generally is required to appeal "the final order in a habeas corpus proceeding," 28 U.S.C. § 2253(c)(1)(A) (2012), we conclude that no certificate of appealability is required here because the district court's dismissal for failure to comply with a court order is unrelated to the merits of the § 2254 petition. *See Harbison v. Bell*, 556 U.S. 180, 183 (2009); *United States v. McRae*, 793 F.3d 392, 399-400 (4th Cir. 2015). We therefore deny as unnecessary Church's motion for a certificate of appealability.