

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 02-7109**

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RONALD MILES,

Petitioner - Appellant,

versus

RONALD ANGELONE,

Respondent - Appellee.

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Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. T. S. Ellis, III, District Judge. (CA-00-204)

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Submitted: February 6, 2003

Decided: February 20, 2003

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Before WILKINS, Chief Judge, and MICHAEL and SHEDD, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Ronald Miles, Appellant Pro Se. Thomas Drummond Bagwell, Assistant Attorney General, Richmond, Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Ronald Miles seeks to appeal the district court's order denying relief on his motion for reconsideration pursuant to Fed. R. Civ. P. 60(b) of the denial of his petition filed under 28 U.S.C. § 2254 (2000). An appeal may not be taken to this court from the final order arising out of a habeas corpus proceeding unless a circuit justice or judge issues a certificate of appealability. 28 U.S.C. § 2253(c)(1) (2000). A certificate of appealability will not issue for claims addressed by a district court on the merits absent "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2) (2000). As to claims dismissed by a district court solely on procedural grounds, a certificate of appealability will not issue unless the petitioner can demonstrate both "(1) 'that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right' and (2) 'that jurists of reason would find it debatable whether the district court was correct in its procedural ruling.'" Rose v. Lee, 252 F.3d 676, 684 (4th Cir. 2001) (quoting Slack v. McDaniel, 529 U.S. 473, 484 (2000)), cert. denied, 534 U.S. 941 (2001). We have reviewed the record and conclude for the reasons stated by the district court that Miles has not satisfied either standard. See Miles v. Angelone, No. CA-00-204 (E.D. Va. July 9, 2002). Accordingly, we deny a certificate of appealability and dismiss the appeal. We deny Miles' motion for discovery, motion

for appointment of counsel, motion requesting that a single judge act on his motions, and motion for judicial notice and review of documents in the record. We deny Miles' motion for oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED