

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 02-7839

NICHOLAS WARNER JONES, a/k/a Charles Jones,

Petitioner - Appellant,

versus

JAMES PEGUESE, Managing Warden; JOSEPH CURRAN,
Attorney General of the State of Maryland,

Respondents - Appellees.

Appeal from the United States District Court for the District of
Maryland, at Baltimore. Benson E. Legg, Chief District Judge. (CA-
02-2968-L)

Submitted: January 30, 2003

Decided: February 5, 2003

Before WIDENER, NIEMEYER, and TRAXLER, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Nicholas Warner Jones, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Nicholas Warner Jones seeks to appeal the district court's order dismissing without prejudice, and as successive, his petition filed under 28 U.S.C. § 2254 (2000). An appeal may not be taken from the final order in a habeas corpus proceeding unless a circuit justice or judge issues a certificate of appealability. 28 U.S.C. § 2253(c)(1) (2000). When, as here, a district court dismisses a § 2254 petition 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.) (quoting Slack v. McDaniel, 529 U.S. 473, 484 (2000)), cert. denied, 122 S. Ct. 318 (2001).

We have reviewed the record and conclude for the reasons stated by the district court that Jones has not made the requisite showing. See Jones v. Peguese, No. CA-02-2968-L (D. Md. filed Sept. 17, 2002 & entered Sept. 18, 2002). Accordingly, we 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 the court and argument would not aid the decisional process.

DISMISSED