

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

**No. 03-6452**

---

GARY JOHN MOFFA,

Petitioner - Appellant,

versus

HOWARD PAINTER, Warden,

Respondent - Appellee.

---

Appeal from the United States District Court for the Northern  
District of West Virginia, at Clarksburg. Irene M. Keeley, Chief  
District Judge. (CA-02-130-1)

---

Submitted: May 15, 2003

Decided: May 29, 2003

---

Before LUTTIG and KING, Circuit Judges, and HAMILTON, Senior  
Circuit Judge.

---

Dismissed by unpublished per curiam opinion.

---

Gary John Moffa, Appellant Pro Se.

---

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Gary John Moffa seeks to appeal the district court's order accepting the magistrate judge's recommendation to deny relief on his petition filed under 28 U.S.C. § 2254 (2000). An appeal may not be taken from the final order in a § 2254 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 absent "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2) (2000). A prisoner satisfies this standard by demonstrating that reasonable jurists would find that his constitutional claims are debatable and that any dispositive procedural rulings by the district court are also debatable or wrong. See Miller-El v. Cockrell, 123 S. Ct. 1029, 1040 (2003); Slack v. McDaniel, 529 U.S. 473, 484 (2000); Rose v. Lee, 252 F.3d 676, 683 (4th Cir.), cert. denied, 534 U.S. 941 (2001). We have independently reviewed the record and conclude that Moffa has not made the requisite showing. 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