

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-7053

TERRANCE L. WHEELER,

Petitioner - Appellant,

versus

WILLIE L. EAGLETON; HENRY MCMASTER,

Respondents - Appellees.

Appeal from the United States District Court for the District of South Carolina, at Rock Hill. Terry L. Wooten, District Judge. (CA-04-2348-0)

Submitted: July 31, 2007

Decided: September 19, 2007

Before MICHAEL, TRAXLER, and KING, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Terrance L. Wheeler, Appellant Pro Se. Jeffrey Alan Jacobs, OFFICE OF THE ATTORNEY GENERAL, Columbia, South Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Terrance L. Wheeler* seeks to appeal the district court's order adopting the magistrate judge's recommendation to grant the Respondents' motion for summary judgment and deny relief on Wheeler's 28 U.S.C. § 2254 (2000) petition. This order is not appealable 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 the district court's assessment of his constitutional claims is debatable or wrong and that any dispositive procedural ruling by the district court is likewise debatable. See Miller-El v. Cockrell, 537 U.S. 322, 336-38 (2003); Slack v. McDaniel, 529 U.S. 473, 484 (2000); Rose v. Lee, 252 F.3d 676, 683 (4th Cir. 2001). We have independently reviewed the record and conclude that Wheeler 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

*The district court spelled the Appellant's last name "Wheller," and the Appellant used that spelling in a district court pleading. However, the South Carolina Department of Corrections indicates the correct spelling is "Wheeler," and that is the spelling the Appellant has used in documents filed in this court.

materials before the court and argument would not aid the decisional process.

DISMISSED