

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 05-7142**

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BOSY AKEIVA BOYD,

Petitioner - Appellant,

versus

THEODIS BECK, Secretary NC; STATE OF NORTH  
CAROLINA,

Respondents - Appellees.

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Appeal from the United States District Court for the Middle  
District of North Carolina, at Durham. William L. Osteen, District  
Judge. (CA-04-465)

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Submitted: September 27, 2005

Decided: October 4, 2005

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Before LUTTIG, MOTZ, and DUNCAN, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Bosy Akeiva Boyd, Appellant Pro Se. Clarence Joe DelForge, III,  
NORTH CAROLINA DEPARTMENT OF JUSTICE, Raleigh, North Carolina, for  
Appellees.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Bosy Akeiva Boyd, a state prisoner, seeks to appeal the district court's order adopting the report and recommendation of the magistrate judge and dismissing his petition filed under 28 U.S.C. § 2254 (2000) as time-barred under 28 U.S.C. § 2244(d)(1) (2000). The 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 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, 537 U.S. 322, 336 (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 Boyd 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