

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-6573

CLAYTON MORRIS,

Petitioner - Appellant,

versus

GEORGE SNYDER, Warden; UNITED STATES PAROLE
COMMISSION,

Respondents - Appellees.

Appeal from the United States District Court for the Eastern
District of North Carolina, at Raleigh. Malcolm J. Howard, Senior
District Judge. (5:05-hc-00161-H)

Submitted: May 16, 2006

Decided: May 24, 2006

Before WILLIAMS, MOTZ, and TRAXLER, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Clayton Morris, Appellant Pro Se. Steve R. Matheny, OFFICE OF THE
UNITED STATES ATTORNEY, Raleigh, North Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Clayton Morris, a District of Columbia prisoner incarcerated in North Carolina, seeks to appeal the district court's order denying relief on his petition filed under 28 U.S.C. § 2241 (2000), challenging the revocation of his parole by the United States Parole Commission. The order is not appealable unless a circuit justice or judge issues a certificate of appealability. 28 U.S.C. § 2253(c)(1) (2000); see Madley v. United States Parole Comm'n, 278 F.3d 1306, 1310 (D.C. Cir. 2002) (reasoning that District of Columbia is a "state" court for purposes of § 2253(c), and while a parole determination claim does not attack the original conviction or sentence, it nevertheless "arises out of" the original state process). 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 any assessment of the constitutional claims by the district court 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 (2003); Slack v. McDaniel, 529 U.S. 473, 484 (2000); Rose v. Lee, 252 F.3d 676, 683-84 (4th Cir. 2001). We have independently reviewed the record and conclude that Morris 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