

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 23-6949**

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WILLIE JOHNSON,

Petitioner - Appellant,

v.

WARDEN KENNETH NELSON,

Respondent - Appellee.

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Appeal from the United States District Court for the District of South Carolina, at Beaufort.  
Richard Mark Gergel, District Judge. (9:23-cv-02864-RMG)

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Submitted: January 30, 2024

Decided: February 6, 2024

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Before KING, AGEE, and THACKER, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Willie Johnson, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Willie Johnson, a South Carolina prisoner, seeks to appeal the district court's order accepting the magistrate judge's recommendation, construing Johnson's 28 U.S.C. § 2241 petition as a 28 U.S.C. § 2254 petition, and dismissing the petition as unauthorized and successive. The order is not appealable unless a circuit justice or judge issues a certificate of appealability. 28 U.S.C. § 2253(c)(1)(A). 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). When the district court denies relief on the merits, a prisoner satisfies this standard by demonstrating that reasonable jurists could find the district court's assessment of the constitutional claims debatable or wrong. *See Buck v. Davis*, 580 U.S. 100, 115-17 (2017). When the district court denies relief on procedural grounds, the prisoner must demonstrate both that the dispositive procedural ruling is debatable and that the petition states a debatable claim of the denial of a constitutional right. *Gonzalez v. Thaler*, 565 U.S. 134, 140-41 (2012) (citing *Slack v. McDaniel*, 529 U.S. 473, 484 (2000)).

We have independently reviewed the record and conclude that Johnson has not made the requisite showing. Accordingly, we deny a certificate of appealability and dismiss the appeal. We deny Johnson's motion for the appointment of counsel. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

*DISMISSED*