**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

**No. 05-7555**

LARRY CHAVIS,

                                 Petitioner - Appellant,

        versus

STATE OF NORTH CAROLINA,

                                 Respondent - Appellee.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh.   Malcolm J. Howard, District Judge.  (CA-04-577)

Submitted:  May 17, 2006              Decided:  June 8, 2006

Before NIEMEYER, WILLIAMS, and TRAXLER, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Larry Chavis, Appellant Pro Se.  Sandra Wallace-Smith, Assistant Attorney General, Raleigh, North Carolina, for Appellee.

PER CURIAM:

Larry Chavis seeks to appeal the district court's order granting the Respondent's motion for summary judgment and denying relief on Chavis' 28 U.S.C. § 2254 (2000) petition as time-barred. 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 Chavis has not made the requisite showing. Accordingly, we deny a certificate of appealability, deny leave to proceed in forma pauperis, 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