

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 06-6622**

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BENJAMIN DAVIS, III, a/k/a BJ,

Petitioner - Appellant,

versus

RODERICK R. SOWERS, Warden; ATTORNEY GENERAL  
FOR THE STATE OF MARYLAND,

Respondents - Appellees.

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Appeal from the United States District Court for the District of  
Maryland, at Baltimore. William D. Quarles, Jr., District Judge.  
(1:04-cv-03748-WDQ)

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Submitted: June 1, 2007

Decided: June 21, 2007

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Before MICHAEL, KING, and SHEDD, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Benjamin Davis, III, Appellant Pro Se. John Joseph Curran, Jr.,  
Edward John Kelley, OFFICE OF THE ATTORNEY GENERAL OF MARYLAND,  
Baltimore, Maryland, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Benjamin Davis, III, seeks to appeal the district court's order denying relief on his 28 U.S.C. § 2254 (2000) petition. 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 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. 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, 683-84 (4th Cir. 2001). We have independently reviewed the record and conclude that Davis has not made the requisite showing. Accordingly, we deny a certificate of appealability and dismiss the appeal. We also deny Davis' motion for appointment of counsel. 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