

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-7893

HAROLD BOYD, JR.,

Petitioner - Appellant,

v.

SUPERINTENDENT J. HAYNES,

Respondent - Appellee.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. Louise W. Flanagan, Chief District Judge. (5:07-hc-02088-FL)

Submitted: July 1, 2010

Decided: July 15, 2010

Before WILKINSON, MOTZ, and SHEDD, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Harold Boyd, Jr., Appellant Pro Se. Mary Carla Hollis,
Assistant Attorney General Raleigh, North Carolina, for
Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Harold Boyd, Jr., seeks to appeal the district court's orders denying relief on his 28 U.S.C. § 2254 (2006) petition. The orders are not appealable unless a circuit justice or judge issues a certificate of appealability. See 28 U.S.C. § 2253(c)(1) (2006). A certificate of appealability will not issue absent "a substantial showing of the denial of a constitutional right." Id. § 2253(c)(2). When the district court has denied relief on the merits, a prisoner satisfies this standard by demonstrating that "reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong." Slack v. McDaniel, 529 U.S. 473, 484 (2000). When the district court has denied 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. Id. 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 also deny the motion for a copy of the transcript at Government expense. 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