

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 11-7312**

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ADETRIUS MARIAH BARLEY,  
Petitioner - Appellant,

v.

LARRY T. EDMONDS, Warden,  
Respondent - Appellee.

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Appeal from the United States District Court for the Western  
District of Virginia, at Roanoke. James C. Turk, Senior  
District Judge. (7:11-cv-00385-JCT)

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Submitted: January 31, 2012                      Decided: February 3, 2012

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Before NIEMEYER, KING, and GREGORY, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Adentrius Mariah Barley, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Adentrius Mariah Barley seeks to appeal the district court's order dismissing his 28 U.S.C. § 2254 (2006) petition as untimely filed and a subsequent order denying reconsideration. The orders are not appealable unless a circuit justice or judge issues a certificate of appealability. 28 U.S.C. § 2253(c)(1)(A) (2006). 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) (2006). When the district court denies relief on the merits, a prisoner satisfies this standard by demonstrating that reasonable jurists would find that the district court's assessment of the constitutional claims is debatable or wrong. Slack v. McDaniel, 529 U.S. 473, 484 (2000); see Miller-El v. Cockrell, 537 U.S. 322, 336-38 (2003). 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. Slack, 529 U.S. at 484-85. We have independently reviewed the record and conclude that Barley has not made the requisite showing. Accordingly, we deny a certificate of appealability and dismiss the appeal. We further deny Barley's motions to correct or modify the record and to extend filing time for a corrected informal opening brief. 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