

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-7540

BERNARD MCFADDEN,

Petitioner - Appellant,

v.

DAVID DUNLAP, Warden of Kershaw Correctional Institution,

Respondent - Appellee.

Appeal from the United States District Court for the District of South Carolina, at Charleston. J. Michelle Childs, District Judge. (2:15-cv-04674-JMC)

Submitted: January 31, 2017

Decided: February 3, 2017

Before WILKINSON, KEENAN, and THACKER, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Bernard McFadden, Appellant Pro Se. Christina Catoe Bigelow, Stephen H. Lunsford, SOUTH CAROLINA DEPARTMENT OF CORRECTIONS, Columbia, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Bernard McFadden, a South Carolina state prisoner, seeks to appeal the district court's orders denying relief on his 28 U.S.C. § 2241 (2012) petition. The orders are not appealable unless a circuit justice or judge issues a certificate of appealability. 28 U.S.C. § 2253(c)(1)(A) (2012). 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) (2012). 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 McFadden has not made the requisite showing. Accordingly, we deny McFadden's motion for a certificate of appealability and dismiss the appeal. 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