

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 19-6580**

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EDWARD JAMES EGAN,

Petitioner - Appellant,

v.

HAROLD W. CLARKE, Director of the Virginia Department of Corrections,

Defendant - Appellee,

and

VIRGINIA DEPARTMENT OF CORRECTIONS; STEVEN MCGRAW, Clerk;  
ROANOKE COUNTY CIRCUIT COURT,

Defendants.

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Appeal from the United States District Court for the Eastern District of Virginia, at  
Norfolk. Mark S. Davis, Chief District Judge. (2:17-cv-00439-MSD-RJK)

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Submitted: July 16, 2019

Decided: July 19, 2019

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Before MOTZ, WYNN, and DIAZ, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Edward James Egan, Sr., Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Edward James Egan, Sr., seeks to appeal the district court's order adopting the recommendation of the magistrate judge and dismissing as successive his 28 U.S.C. § 2254 (2012) petition. The order is 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 Egan has not made the requisite showing. Accordingly, we deny 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*