

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 19-7434

GEORGE SANGRIA COWELL,

Petitioner - Appellant,

v.

HAROLD W. CLARKE,

Respondent - Appellee.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Liam O'Grady, Senior District Judge. (1:18-cv-00391-LO-TCB)

Submitted: May 21, 2020

Decided: October 28, 2020

Before GREGORY, Chief Judge, WILKINSON, and HARRIS, Circuit Judges.

Dismissed by unpublished per curiam opinion.

George Sangria Cowell, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

George Sangria Cowell seeks to appeal the district court's orders denying relief on his 28 U.S.C. § 2254 (2018) petition and denying his Fed. R. Civ. P. 59(e) motion.* The orders are not appealable unless a circuit justice or judge issues a certificate of appealability. *See* 28 U.S.C. § 2253(c)(1)(A) (2018). 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) (2018). When the district court denies relief on the merits, a prisoner satisfies this standard by demonstrating that reasonable jurists could find the district court's assessment of the constitutional claims debatable or wrong. *See Buck v. Davis*, 137 S. Ct. 759, 773-74 (2017). 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. *Gonzalez v. Thaler*, 565 U.S. 134, 140-41 (2012) (citing *Slack v. McDaniel*, 529 U.S. 473, 484 (2000)).

We have independently reviewed the record and conclude that Cowell has not made the requisite showing. Accordingly, we deny a certificate of appealability, deny leave to proceed in forma pauperis, and dismiss the appeal. We dispense with oral argument

* Cowell's Rule 59(e) motion relitigated old matters and added new arguments that could have been raised earlier. The district court denied the motion for failure to show a clear error of law or manifest injustice.

because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

DISMISSED