

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 20-6345**

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KEVIN HERRIOTT,

Plaintiff - Appellant,

v.

WAYNE MCCABE, Warden, Kershaw Correctional Institution,

Respondent - Appellee.

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Appeal from the United States District Court for the District of South Carolina, at Greenville. David C. Norton, District Judge. (6:19-cv-00803-DCN)

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Submitted: August 25, 2021

Decided: September 21, 2021

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Before WILKINSON, MOTZ, and RICHARDSON, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Kevin Herriott, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Kevin Herriott seeks to appeal the district court's orders accepting the recommendations of the magistrate judge and denying relief on Herriott's 28 U.S.C. § 2254 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)(A). 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). 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 Herriott has not made the requisite showing. Accordingly, we deny a certificate of appealability and dismiss the appeal. In addition, we deny Herriott's motions for a stay and for production of documents. 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*