

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 20-6835

MICHAEL A. SINGLETON,

Petitioner - Appellant,

v.

WARDEN OF LACKAWANNA COUNTY PRISON,

Respondent - Appellee.

Appeal from the United States District Court for the District of South Carolina, at Charleston. Terry L. Wooten, Senior District Judge. (2:19-cv-02064-TLW)

Submitted: September 24, 2020

Decided: September 29, 2020

Before HARRIS and RICHARDSON, Circuit Judges, and TRAXLER, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Michael A. Singleton, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Michael A. Singleton seeks to appeal the district court's order accepting the recommendation of the magistrate judge and dismissing, without prejudice,* Singleton's 28 U.S.C. § 2254 petition for lack of jurisdiction. The order is 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, as here, 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)).

Limiting our review of the record to the issues raised in Singleton's informal brief, we conclude that Singleton has not made the requisite showing. *See* 4th Cir. R. 34(b); *see also Jackson v. Lightsey*, 775 F.3d 170, 177 (4th Cir. 2014) ("The informal brief is an important document; under Fourth Circuit rules, our review is limited to issues preserved in that brief."). Accordingly, we deny a certificate of appealability and dismiss the appeal. We dispense with oral argument because the facts and legal contentions are adequately

* Although the district court dismissed the action without prejudice, we have jurisdiction over this appeal. *See Bing v. Brivo Sys., LLC*, 959 F.3d 605, 615 (4th Cir. 2020).

presented in the materials before this court and argument would not aid the decisional process.

DISMISSED