

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 22-7165

DOUGLAS WILLIAM ARNOLD,

Petitioner - Appellant,

v.

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

Respondent - Appellee.

Appeal from the United States District Court for the Western District of Virginia, at
Roanoke. James P. Jones, Senior District Judge. (7:21-cv-00417-JPJ-PMS)

Submitted: October 5, 2023

Decided: October 12, 2023

Before WYNN and THACKER, Circuit Judges, and TRAXLER, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Douglas William Arnold, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Douglas William Arnold seeks to appeal the district court's order denying relief on his 28 U.S.C. § 2254 petition. 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 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*, 580 U.S. 100, 115-17 (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)).

Limiting our review of the record to the issues raised in Arnold's informal brief, we conclude that he 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."). Reasonable jurists could not find either the district court's procedural rulings or its rejection of Arnold's claims on their merits to be debatable or wrong. And we decline to address the new argument Arnold seeks to raise on appeal. *See Garey v. James S. Farrin, P.C.*, 35 F.4th 917, 928 (4th Cir. 2022) ("It is well established that this court does not consider issues raised for the first time on appeal, absent exceptional circumstances.")

(internal quotation marks omitted)). Accordingly, we deny a certificate of appealability and dismiss the appeal. We deny Arnold's motions for a certificate of appealability, for appointment of counsel, and for production of a transcript at government expense, and we deny as moot his motion for bail or release pending 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