UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

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No. 05-7592

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GREGORY LYNN GORDON,

                                    Petitioner - Appellant,

        versus

TODD PINION,

                                    Respondent - Appellee.

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Appeal from the United States District Court for the Middle
District of North Carolina, at Durham. James A. Beaty, Jr.,
District Judge. (CA-04-1212-1)

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Submitted: August 25, 2006   Decided: September 14, 2006

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Before WILKINSON, KING, and GREGORY, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Gregory Lynn Gordon, Appellant Pro Se. Clarence Joe DelForge, III,
NORTH CAROLINA DEPARTMENT OF JUSTICE, Raleigh, North Carolina, for
Appellee.

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Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Gregory Lynn Gordon seeks to appeal the district court's order denying relief on his 28 U.S.C. § 2254 (2000) petition. This order is not appealable unless a circuit justice or judge issues a certificate of appealability. 28 U.S.C. § 2253(c)(1) (2000). 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) (2000). A prisoner satisfies this standard by demonstrating that reasonable jurists would find that the district court's assessment of his constitutional claims is debatable or wrong and that any dispositive procedural ruling by the district court is likewise debatable. See Miller-El v. Cockrell, 537 U.S. 322, 336-38 (2003); Slack v. McDaniel, 529 U.S. 473, 484 (2000); Rose v. Lee, 252 F.3d 676, 683 (4th Cir. 2001). We have independently reviewed the record and conclude that Gordon has not made the requisite showing. Accordingly, we deny Gordon's motion for a certificate of appealability and dismiss the appeal. We deny Gordon's motion for en banc consideration. See Fed. R. App. P. 35. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

<div align="right">DISMISSED</div>