

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 06-6300

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DAVID FERRELL SULLIVAN,

Petitioner - Appellant,

versus

RICHARD SMITH, Warden, Tyger River  
Correctional Institution; HENRY MCMASTERS,  
Attorney General of South Carolina,

Respondents - Appellees.

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Appeal from the United States District Court for the District of  
South Carolina, at Greenville. Henry F. Floyd, District Judge.  
(6:05-730-HFF)

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Submitted: March 30, 2006

Decided: April 10, 2006

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Before TRAXLER, GREGORY, and SHEDD, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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David Farrell Sullivan, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

David Sullivan seeks to appeal the district court's order adopting the magistrate judge's recommendation to dismiss without prejudice Sullivan's 28 U.S.C. § 2254 (2000) petition, as well as the court's denial of his motion for reconsideration. These orders are 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 Sullivan has not made the requisite showing. Accordingly, we deny a certificate of appealability and dismiss the appeal. Further, we deny Sullivan's motion to authorize the preparation of transcripts at government expense. 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.

DISMISSED