

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 06-6547**

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GENE W. GAYLOR,

Petitioner - Appellant,

versus

MICHAEL COLEMAN, Acting Warden, Mt. Olive  
Correctional Complex,

Respondent - Appellee.

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**No. 06-7106**

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GENE W. GAYLOR,

Petitioner - Appellant,

versus

MICHAEL COLEMAN, Acting Warden, Mt. Olive  
Correctional Complex,

Respondent - Appellee.

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Appeals from the United States District Court for the Southern  
District of West Virginia, at Beckley. David A. Faber, Chief  
District Judge. (5:02-cv-01206)

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Submitted: January 17, 2007

Decided: February 7, 2007

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Before WILLIAMS, MOTZ, and KING, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Gene W. Gaylor, Appellant Pro Se. Dawn Ellen Warfield, Jon Rufus Blevins, OFFICE OF THE ATTORNEY GENERAL OF WEST VIRGINIA, Charleston, West Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Gene W. Gaylor seeks to appeal the district court's orders accepting the recommendations of the magistrate judge and denying relief on his 28 U.S.C. § 2254 (2000) petition and denying him leave to proceed in forma pauperis on appeal. The 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 any assessment of the constitutional claims by the district court is debatable or wrong and that any dispositive procedural ruling by the district court is likewise debatable. 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, 683-84 (4th Cir. 2001). We have independently reviewed the record and conclude that Gaylor has not made the requisite showing. Accordingly, we deny a certificate of appealability, deny leave to proceed in forma pauperis, deny the motion for appointment of counsel, and dismiss the appeals. 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