

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 06-7916

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OTIS LYNN SHORT,

Petitioner - Appellant,

versus

WARDEN WILLIE EAGLETON; HENRY MCMASTER,  
Attorney General of the State of South  
Carolina,

Respondents - Appellees.

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Appeal from the United States District Court for the District of  
South Carolina, at Anderson. G. Ross Anderson, Jr., District  
Judge. (8:05-cv-02915-GRA)

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Submitted: April 19, 2007

Decided: April 24, 2007

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Before NIEMEYER, KING, and GREGORY, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Otis Lynn Short, Appellant Pro Se. Donald John Zelenka, Samuel  
Creighton Waters, OFFICE OF THE ATTORNEY GENERAL OF SOUTH CAROLINA,  
Columbia, South Carolina, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Otis Lynn Short, a South Carolina prisoner, seeks to appeal the district court's order accepting the recommendation of the magistrate judge and denying relief on his habeas petition.\* Short also seeks to appeal the district court's order denying his subsequent Fed. R. Civ. P. 59(e) motion for reconsideration. 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 his constitutional claims are debatable and that any dispositive procedural rulings by the district court are also debatable or wrong. See Miller-El v. Cockrell, 537 U.S. 322, 336 (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 Short has not made the requisite showing. Accordingly, we deny a certificate of appealability and dismiss the appeal. 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

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\*Though Short brought his petition pursuant to 28 U.S.C. § 2254 (2000), some of his claims were recharacterized and considered by the court under 28 U.S.C. § 2241 (2000).